

GAHC010012452024



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : AB/171/2024**

ASHIDUL ALI  
S/O AKKAS ALI  
R/O BHAWLAGURI, P.S. BONGAIGAON,  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR  
REP. BY THE PP, ASSAM

2:SOFIQUL ISLAM  
(VICTIMS FATHER)  
S/O NURJAMAL

VILL- HARIRCHAR PT. 2

P.O. MADRASAPARA  
P.S. MERERCHAR  
DIST. BONGAIGAON  
ASSAM  
PIN-78338

**Advocate for the Petitioner : MR. M KHAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 26.02.2024**

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the State and Mr. A. Rahman, learned counsel for the respondent No. 2.

By this application filed under Section 438 Cr.P.C, the petitioner, **Ashidul Ali**, has sought for pre-arrest bail, apprehending his arrest in connection with **Special (P) Case No. 131(M)/2023(arising out of Bongaigaon P.S. Case No. 63/2023)** registered under **Section 17 of POCSO Act r/w Section 9/10 of Prohibition of Child Marriage Act, 2006** pending in the court of learned Special Judge, Bongaigaon.

It is submitted by the learned counsel for the petitioner that the petitioner is the husband of the victim. They have married in the year 2022 and since then they lived together as husband and wife. There is no allegation against the petitioner regarding any commission of offence under the provision of POCSO Act. The FIR was lodged by police personnel stating that the petitioner got married to one minor girl as a result of which, a case has been instituted against the petitioner. Considering the nature of offence, the petitioner may be granted the privilege of pre-arrest bail.

On the other hand, Mr. Rahman, learned counsel representing the respondent No. 2 i.e. the father of the victim, has submitted that the respondent No. 2 has no objection if the petitioner is released on bail.

Mr. Goswami, learned Addl.P.P. for the State submits that the petitioner has shown as absconder in the charge-sheet as such, warrant of arrest issued against him. He further submits that the petitioner may approach before the

learned trial court seeking regular bail.

In view of the above, the present petition stands disposed of with a direction to the petitioner to appear before the learned trial court within 10(ten) days from today and file an application seeking bail and on such appearance and filing of the bail application, the learned trial Court shall consider the same on furnishing bail bond of Rs.25,000/- with a suitable surety of the like amount to the satisfaction of the concerned court.

Till such appearance, no coercive action has been taken against the petitioner.

The bail application stands disposed of accordingly.

**JUDGE**

**Comparing Assistant**