

GAHC010014062024



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

Case No. : Bail Appln./250/2024

HABIBAR RAHMAN
S/O LT. MAFIJQL ALI
R/O BHELAKABA PT.II
P.O. SAPATGRAM
P.S. BAGRIBARI
DIST.KOKRAJHAR, ASSAM
PIN-783349

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:MONIR UDDIN AHMED
S/O LT. NASIR UDDIN
VILL- BALAKOBA PT.II
P.O. SAPATGRAM
P.S. BAGRIBARI
DIST. KOKRAJHAR
ASSAM
PIN- 783349

3:MALLIKA PARBIN
D/O MONIR UDDIN AHMED
W/O SADDAM HUSSAIN
VILL- GUTIPARA PT.IV
P.O. GUTIPARA
P.S. BILASIPARA

DIST. DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 19.02.2024

Heard Mr. M.U. Mondal, learned counsel for the accused. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondents.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Habibar Rahman, who has been languishing in jail hazot in connection with Bagribari P.S. Case No. 81/2018, under Section 4 of the POCSO Act, for grant of bail.

3. Mr. M.U. Mondal, learned counsel for the accused submits that the accused could not appear before the learned Court below on one date and therefore, the learned Court below had issued non-bailable warrant of arrest against the accused, and thereafter, on the strength of the non-bailable warrant of arrest, he was arrested on 11.01.2024, and since then, he has been languishing in jail hazot. Mr. Mondal further submits that the accused will appear before the learned Court below on each and every date and therefore, it is contended to allow the application.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor, referring to the scanned copy of the records received from the learned Court below, submits that trial in this case has already been completed and the matter is pending for pronouncement of the judgment only, and it was fixed on 02.02.2024, and on that day, on the basis of an order of this Court passed on

30.01.2024, the learned Court below has deferred pronouncement of the judgment.

6. Since the trial has already been completed and the matter is pending for pronouncement for judgment, this Court is of the view that at this stage, enlarging the accused on bail will again cause delay in disposal of the case, as his antecedent is not up to the mark, and therefore, this Court is inclined to dismiss this application.

7. The learned Court below is directed to dispose of the case, in accordance with law.

8. In terms of above, this application stands disposed of.

JUDGE

Comparing Assistant