

GAHC010014452024



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

Case No. : AB/189/2024

TAHEJ ALI
S/O ALI HUSSAIN
R/O VILL- UJIROR CHAR, P.S. ALOPATICHAR
DIST. BARPETA, ASSAM

VERSUS

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

2:SAHJAHAN ALI
S/O ANOWAR HUSSAIN
R/O VILL- UJIRAR CHAR

P.O. ALOPATICHAR
P.S. ALOPATICHAR
DIST. BARPETA
ASSAM
PIN-78112

Advocate for the Petitioner : ABDUL KARIM AZAD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 13.02.2024

Heard Mr. A.K. Azad, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Alopachar P.S. Case No. 53/2023, under Sections 376(3)/506 of the IPC, read with Section 6 of the POCSO Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Tahej Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Shajahan Ali on 14.11.2023. The essence of allegation made in the FIR dated 14.11.2023, is that about 9 months back, at about 12 noon, one Tahej Ali had committed rape upon the minor daughter of the informant Shajahan Ali, by gagging her mouth while she was cutting grass in his jute field and threatened to kill her if she reported the matter to other persons, and thereafter, fled away from the place of occurrence. Then, the health condition of his daughter deteriorated day by day and when the doctor was consulted, then it has been detected that she is pregnant..

4. At this stage, Mr. B. Sarma, learned Addl. Public Prosecutor submits that investigation of the case has already been completed and the I.O. has laid charge sheet, being charge-sheet No. 07/2024 dated 31.01.2024, under Sections 376(3)/506 of the IPC, read with Section 6 of the POCSO Act.

5. In view of the submission of Mr. Sarma, learned Addl. Public Prosecutor, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below and to apply for regular bail and in the

event of filing such an application, the learned Court below shall consider the same, in accordance with law.

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

JUDGE

Comparing Assistant