

GAHC010014462024



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

Case No. : Bail Appln./223/2024

ROFIQUL ISLAM @ RAFIQUL ISLAM
SON OF LATE SAMEJ ADIN @ SOMEJ UDDIN, RESIDENT OF VILLAGE
GOROIMARI BILORJAN, P.S. BOKO, DISTRICT KAMRUP, ASSAM, PIN-781136

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PUBLIC PROSECUTOR, ASSAM

2:RASHIDA KHATUN
D/O BASER ALI
VILL- KISMAT KATHMI
P.O. BOKO
KAMRUP
ASSA

Advocate for the Petitioner : MR. K MOHAMMED

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 27.02.2024

Heard Mr. K. Mohammed, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioner, who has been arrested in connection with Boko P.S. Case No. 05/2024, under Sections 448/376 of the Indian Penal Code.

The case was fixed today for production of Case Diary; however, it is submitted by the learned Additional Public Prosecutor, Mr. K. K. Parasar, that the I.O. has already filed Charge-Sheet in this case, vide Charge-Sheet No. 17/2024, dated 31.01.2024.

In this context, Mr. K. Mohammed, learned counsel for the petitioner, has submitted that the accused/petitioner is behind the bar for last 52 days and considering his length of detention, he may be enlarged on bail.

Considering the submissions of learned counsels for both sides and also considering the fact that the I.O. has already filed Charge-Sheet, vide Boko P.S. Case No. 05/2024, under Sections 448/376 of the Indian Penal Code, I do not find it appropriate to pass any order on bail. However, the petitioner is at liberty

to approach the learned Court below with an appropriate application for bail, which shall be considered by the learned Court below in accordance with law.

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

JUDGE

Comparing Assistant