

GAHC010014902024



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

**Case No. : Bail Appln./254/2024**

IMDADUL HOQUE  
S/O LATE ABDUL MOJID  
R/O VILL- NO. 1 BHANDARA  
P.O. BHANDARA BAZAR  
P.S. MANIKPUR  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. B J MUKHERJEE**

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 08-02-2024**

Heard Mr. B. J. Mukherjee, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam for the State respondent.

The case was fixed for case diary but it is submitted by the learned Addl. P.P. that charge-sheet has already been filed vide Charge-Sheet No. 03/2024 dated 31.01.2024 in connection with Bongaigaon

GRPS Case No. 01/2024 under Section 366 of the IPC.

In this context, Mr. B.J. Mukherjee, learned counsel appearing for the petitioner submitted that the petitioner may be allowed to appear before the learned Court below. However, he raised point that both the accused and the victim was apprehended when they were found loitering on 29.12.2023 by making G.D. Entry No. 463 dated 29.12.2023. However, the FIR was shown to be registered on 01.01.2024 and he was produced before the learned Magistrate only on 01.01.2024 and thus he was in illegal detention for 3 days.

Considering the submission made by the learned counsel for the petitioner and also considering the fact that charge-sheet has already been submitted, the petitioner is directed to appear before the learned Court below with a prayer for regular bail which may be considered by the learned Court below in accordance with law making observation regarding points raised by the learned counsel for the petitioner regarding illegal detention for 3 days.

With the above observation and direction, this bail application is disposed of.

**JUDGE**

**Comparing Assistant**