

GAHC010022362024



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

Case No. : AB/280/2024

MD. FULBABU SK.
S/O MOKBUL HUSSAIN
R/O VILL- UTTAR BANGTIMARI, P.O. DHANUA, P.S. MANKACHAR,
DIST. SOUTH SALMARA MANKACHAR, ASSAM,
PIN-783135

VERSUS

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

2:GAZIBOR RAHMAN
S/O LATE NAZMUL HOQUE
R/O VLL- MANULLYAPARA
P.O. FEKAMRI
P.S. SOUTH
SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-78313

Advocate for the Petitioner : MR. M ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

04.06.2024

- 1.** Heard Ms. P. Baruah, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for respondent no. 1 and Mr. M. R. Khandakar, learned counsel for respondent no. 2.
- 2.** This application has been filed under Section 438 of the Cr.PC by the petitioner with prayer for pre arrest bail as he is apprehending arrest in connection with Mankachar P.S. Case No. 308/2023 dated 25.07.2023 (GR No. 720/2023) under Sections 376 AB/511 of the IPC, read with Section 8/10 of the POCSO Act, and also read with Section 67 of the IT Act.
- 3.** It is submitted on behalf of the petitioner that the petitioner is not the prime accused. On the contrary, the learned counsel for the respondent and the learned Additional Public Prosecutor has submitted that the petitioner has abetted the commission of offence, and pre arrest bail is not maintainable in connection with this case.
- 4.** I have considered the submissions at the Bar with circumspection.
- 5.** I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.
- 6.** There appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner at this stage of investigation.
- 7.** Petition is rejected.

8. Send back the Case Diary.

JUDGE

Comparing Assistant