

GAHC010028222024



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

Case No. : AB/475/2024

MD. RAZIUL ISLAM
S/O MD. AZZAD HUSSAIN R/O VILL- ASKIKANDI P.S. PHULBARI DIST.
WEST GARO HILLS, STATE- MEGHALAYA.

VERSUS

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

2:FIROZA BEGUM
W/O FOZLUL HOQUE
R/O MANKACHAR MIAHPARA
PO. AND P.S. MANKACHAR
DIST. SOUTH SALMARA
ASSA

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam.

This is the second application under Section 438 of the Cr.PC, 1973 for granting anticipatory bail to the petitioner, i.e., Md. Raziul Islam, who has been apprehending arrest in connection with Mankachar P.S. Case No. 415/2023 (corresponding to GR Case No. 1002/2023) registered under Sections 366(A)/343/34 of IPC read with Section 6 of POCSO Act, 2012.

Earlier, by Order dated 23.01.2024, this Court rejected the anticipatory bail application filed by the petitioner.

Mr. B. Chowdhury, learned counsel for the petitioner submits that after the rejection of the anticipatory bail application by this Court by Order dated 23.01.2024, provision of POCSO, i.e., Section 6 has been added by Order dated 19.12.2023. He accordingly submits that the circumstances have been changed and the petitioner is entitled to be released on pre-arrest bail.

Mr. P. Borthakur, learned Addl. P.P on the other hand strongly opposes the prayer for bail and submits that there is no change in circumstances and he further submits that there are implicating materials available on record against the petitioner.

I have heard the submissions made at the bar and have perused the materials available on record.

This Court, after perusing the statement of the victim girl recorded under Section 164 Cr.PC, had rejected earlier the prayer of anticipatory bail application. There is no change in circumstances as regards the implicating materials available on record with regard to the petitioner for the offence alleged. That being so, this Court rejects the second application of anticipatory

bail application.

Accordingly, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant