

GAHC010036442024



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

Case No. : AB/455/2024

ZIYABUR RAHMAN @ JIABUR ISLAM
S/O MD. MOTIBUR RAHMAN
VILL- SALMARABORI
P.S. DHING
DIST. NAGAON, ASSAM

VERSUS

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

2:MUSSTT. JAHANARA BEGUM
W/O SIRAJUL ISLAM @ SIRAJUL HOQUE
VILL- SALMARABARI
P.S. DHING
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 26.02.2024

Heard Mr. N. Uddin, learned counsel for the petitioner and Ms. B. Bhuyan, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 438 Cr.P.C. filed by the petitioner, apprehending arrest in connection with PRC Case No. 1790/2019 arising out of Dhing PS Case No. 360/2018 under Section 448/ 376D IPC, pending in the court of the learned JMFC, Nagaon.

It is submitted by Mr. Uddin, learned counsel for the petitioner that the petitioner is innocent and no way involved with the alleged offence. He further submits that charge sheet has already been submitted against the accused/ petitioner alongwith one other and the case is pending in the court of the learned Judicial Magistrate, First Class, Nagaon. The case is not yet committed the court of the learned Special Judge, Nagaon. He further submits that he was not aware of the pendency of the case in the court of the learned JMFC, Nagaon and police never search for him during investigation. He is now ready and willing to appear before the trial court and cooperate with the trial.

In this context, Ms. Bhuyan, learned Addl. PP has submitted that the accused/ petitioner may be directed to appear before the trial court and till his appearance, he may be given some interim protection.

The learned counsel for the petitioner further submits that the petitioner had appeared before the court of the learned JMFC, Nagaon through his counsel and he has apprehension of arrest in connection with the case and till his appearance, the accused/ petitioner may be given some interim protection.

Considering the submission of the learned counsel for both the parties and other aspects of the matter, the accused/ petitioner is hereby directed to appear before the learned JMFC, Nagaon within 15 (fifteen) days from the date of this order with an appropriate application seeking bail and in the event of filing such application, the learned trial court shall consider the same in accordance with law.

Till 15 (fifteen) days from today, the accused/ petitioner is hereby given interim

protection with a direction that no coercive action shall be taken against him and if any NBWA is issued against the accused/ petitioner, the same shall be stayed for a period of 15 (fifteen) days from today.

With the above observations and direction, the bail application stands disposed of.

JUDGE

Comparing Assistant