

GAHC010037242024



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

Case No. : AB/472/2024

SHAHIN MAHABUB
S/O KOBAD HUSSAIN
R/O VILL- BAMUNPARA
P.S. MANKACHAR,
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

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

2:MIZANUR ROHMAN SHEIKH
(CO-ORDINATOR
SPECIALIZED ADOPTION AGENCY (SAA)
SOUTH SALMARA MANKACHAR)
S/O ABDUR ROHMAN SK
R/O VILL- BOALI PART-II
P.S. MANKACHAR
DIST.SOUTH SALMARA MANKACHAR
ASSAM
PIN-78313

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 19.03.2024

Heard Mr. Z. Hussain, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Shahin Mahabub**, in connection with **Mankachar P.S. Case No. 24/2024**, registered under Section **376(2)(n)/376(3)/317 IPC r/w Section 6 of POCSO Act.**

The learned counsel for the petitioner submits that the petitioner is working as an intern pharmacist in Life Line Medicos near District Civil Hospital, Hatsingimari. In the year 2023, the petitioner has completed his D.Pharm course. It is also submitted that the petitioner is no way involved in the instant case. The main accused i.e. Robin Ali is responsible for the alleged offence as stated in the FIR has already been arrested. Considering the background of the case, the privilege of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Goswami, learned Addl.P.P. has produced the case diary. According to the learned Addl.P.P., the allegation against the present petitioner is that after birth of the child, he along with some other persons handed over the child to someone as adoptive parents. The offence alleged to be committed may be under Section 317 IPC which is bailable in nature. Therefore, the prayer of the petitioner may be considered.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

It reveals that the offence under Section 317 IPC is bailable in nature. Considering the facts as well as the documents available in the case diary, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Mankachar P.S. Case No. 24/2024**, registered under Section **376(2)(n)/376(3)/317 IPC r/w Section 6 of POCSO Act**, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant