

GAHC010038772024



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

Case No. : AB/514/2024

NOOR AHMED @ NUR AHMED CHOUDHURY AND ANR.
S/O LT.MONTAZ ALI CHOUDHURY
R/O VILL- SUDARSHANPUR PART-I,
P.S. AND DIST. HAILAKANDI, ASSAM

2: NAJMUL HUSSAIN LASKAR @ NAJMUL HUSSAIN
S/O ZAKIR HUSSAIN LASKAR
R/O VILL- SAMARIKUNA -I

P. SAMARIKUNA
P.S. AND DIST. HAILAKANDI
ASSA

VERSUS

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

2:MD. KHALIL UDDIN LASKAR
S/O JAMIL AHMED LASKAR

R/O VILL- SUDARSHANPUR PART-II
P.O. JAPIRBOND
P.S. LALA

DIST. HAILAKANDI
ASSAM
PIN-78815

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

09.04.2024

Heard the learned counsel Mr. K.A. Mazumdar appearing for the petitioner. Also heard Ms. N. Das, the learned Addl. Public Prosecutor representing the State of Assam. Ms. S.B. Choudhury, learned counsel appears for the Respondent No.2.

2. This is an application under Section 438 of the CrPC in respect of Hailakandi P.S. case No.23/2024 corresponding to Special POCSO Case No.05/2024 under Sections 366/511/325/34 of the IPC R/W Section 8/12 of the POCSO Act.

3. A 17 year old girl and her friend were going to school in an auto rickshaw driven by Gulzar Hossain. Thereafter, two other passengers namely, the present petitioner Najmul Hussain Laskar @ Najmul Hussain and Noor Ahmed got into the auto rickshaw. Thereafter, the auto rickshaw driver took the auto rickshaw towards another direction. The girls tried to stop him. At that time, Najmul Hussain Laskar @ Najmul Hussain and Noor Ahmed sprayed something on the face of the girls. The girls jumped out of the auto rickshaw and got injured.

4. I find that under the given circumstances of the case, the petitioner Najmul Hussain Laskar @ Najmul Hussain does not deserve to be based out with the provision of law as laid down under Section 438 of the CrPC. His anticipatory bail application is found to be devoid of merit, stands rejected.

The application for bail is disposed of.

JUDGE

Comparing Assistant