

GAHC010052552024



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

Case No. : AB/683/2024

RIAJUL HOQUE @ JIADUL HOQUE
S/O AZIR UDDIN, VILL- NIZGRAM, P.O.-BARAIGRAM, P.S.-PATHARKANDI,
DIST- KARIMGANJ, ASSAM, PIN-788723

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:FATIMA BIBI
W/O FAKAR UDDIN
VILL R/O SAYABARI
W/NO. 2
P.S.-PATHARKANDI
DIST- KARIMGANJ
ASSAM
PIN-788723

2:Fatima Bibi
KARIMGAN

Advocate for the Petitioner : MR. S B LASKAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.04.2024

Heard Mr. H. A. Laskar, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State.

The learned counsel for the petitioner has submitted that in this case on the basis of an FIR lodged by the mother of the victim girl on 16.11.2023, Patharkandi P.S. Case No. 341/2023 has been registered under Sections 366/379 of the Indian Penal Code and investigation was initiated. However, on completion of the investigation, charge-sheet was laid bearing charge-sheet No. 7/2024 under Section 366/379/376(1) of the Indian Penal Code read with Section 4 of the POCSO Act, 2012 in the Court of learned Special Judge, Karimganj.

The learned counsel for the petitioner has submitted that the petitioner has not yet received any summons or other processes from the trial court, however, he is apprehending that he may be arrested in this case.

I have considered the material available on record.

The apprehension of the petitioner appears to be baseless as the trial court has yet to issue summons against the petitioner and as the trial court is the Court of learned Special Judge which is empowered to consider and grant bail for the offences under which the charge-sheet has been laid against the present petitioner.

For the aforesaid reasons, this anticipatory bail application is dismissed.

The petitioner may seek appropriate relief before the trial court after appearing before the said court, if so advised.

JUDGE

Comparing Assistant