

GAHC010053002024



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

Case No. : AB/662/2024

JOYNAL ABEDIN
S/O LT. MUJAFAR ALI
R/O VILL- 7 NO. BASHBARI, P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM, ASSAM

VERSUS

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

2:AYNAL HOQUE
S/O LT. AMIN ALI
R/O NUMBERPARA PART-I
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR D J HALOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.05.2024

Heard Mr. S.A..Hussain, learned counsel for the petitioner. Also heard Mr. R.R.Kaushik, learned Addl. Public Prosecutor for the State/respondent No.1. Also heard Ms.

K.Phukan, learned Legal Aid Counsel for respondent No.2.

By this petition filed under Section 438 Cr.P.C., the petitioner, namely, **Joynal Abedin** has prayed for granting pre-arrest bail, apprehending arrest in connection with **Abhayapuri P.S. Case No.51/2024** under Section 365/34 of the IPC added section 376/370-A IPC r/w Section 6 of POCSO Act.

The case diary is placed before the court.

It is submitted by learned counsel for the petitioner that the petitioner is the father of the main accused who had committed the offence which falls under Section 6 of the POCSO Act. The offence under Section 376/370-A IPC r/w Section 6 of POCSO Act is not attracted against the petitioner and as such, petitioner is entitled for pre-arrest bail.

The learned Addl.P.P. has produced the case diary along with statement of the victim and submits that there is no allegation against the petitioner under Sections 376/370-A IPC r/w Section 6 of POCSO Act.

The learned Legal Aid Counsel for the respondent No.2 has made no objection to the prayer of the petitioner.

I have perused the case diary.

In the backdrop of facts as emerged from the case diary, this Court finds it not expedient for custodial interrogation of the petitioner.

In view of above, the prayer for anticipatory bail is hereby granted.

It is provided that in the event of arrest of the petitioner, named above, he shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.10,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 days from today;
- (ii) That the petitioner 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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant