

GAHC010078382024



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

Case No. : Bail Appln./1215/2024

MD. MUSHARAF ALI
S/O MD. JONAB ALI
R/O BOGOLAMARI, P.S. AND P.O.KALGACHIA,
PIN CODE- 781319
DIST. BARPETA, ASSAM

VERSUS

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

2:MD. CHANDMMUD ALI
S/O LATE KANGKONG
DOLESWAR
P.O. ROING
P.S. SHANTIPUR
LOWER DIBANG VALLEY-792110
ARUNACHAL PRADESH

Advocate for the Petitioner : MR G BORDOLOI

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

10.06.2024

Heard Mr. G Bordoloi, learned counsel for the petitioner. Also heard Mr. KK Parasar, learned Additional Public Prosecutor, Assam and Ms. B Choudhury, learned counsel for the respondent No. 2.

The present application is filed under Section 439 Cr.P.C. seeking bail by the petitioner, namely, Md. Musharaf Ali, who is in custody since 15.10.2023 and facing trial in connection with POCSO Case No. 124/2023 pending before the learned Special Judge (POCSO), Tinsukia arising out of Sadiya PS case No. 173/2023.

Scanned copy of the record of the aforesaid case along with the statement of witnesses were called for. Same has been received.

Perused the same. Also perused the statement of the victim recorded under Section 164 Cr.P.C. Record of the learned trial court reflects that the victim is not yet examined. Also perused the birth certificate of the victim as well as her 164 statement. In her statement recorded under Section 164 Cr.P.C., she has specifically implicated the present accused. Therefore, at this stage more particularly considering the fact that the victim is not yet examined by the learned trial court, this court is not inclined to accede to the prayer of the petitioner. Accordingly, bail application stands dismissed.

JUDGE

Comparing Assistant