

GAHC010081382024



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

Case No. : AB/1053/2024

MAHAMMAD ALI @ MASTUFA
SON OF ABDUL JALIL
VILLAGE- FATEPUR PT II,
POLICE STATION KARIMGANJ DISTRICT- KARIMGANJ, ASSAM

VERSUS

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

2:ABDUL HOQUE
S/O LATE MABARAK ALI
R/O NO. FATEHPUR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.05.2024

Heard Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. A. Ahmed, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public

Prosecutor for the State and Mr. S. Afridi, learned counsel for the respondent No. 2.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Mahammad Ali @ Mastufa**, in connection with **Special Sessions Case No. 58/2020(arising out of Karimganj P.S. Case No. 196/2020) registered under Section 493/376 IPC r/w Section 4 of POCSO Act.**

It is submitted by the learned Senior counsel for the petitioner that the petitioner was not available during period of investigation as such, he has been shown as absconder in the charge-sheet. It is also submitted that the petitioner was in Kerela during period of investigation as such, it is not known to him that the case has been instituted against him as a result which, he has been shown as absconder in the charge-sheet. Now, the petitioner is ready to appear before the learned trial court and face the trial. Learned counsel for the petitioner prays to recall the W/A and P/A.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State submits that though summons and bailable warrant was issued to the petitioner but he did not appear before the trial court. Subsequently, NBWA and P/A were issued against the petitioner.

Mr. Afridi, learned counsel for the respondent No. 2 submits that he has no objection if the petitioner is released on bail.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the petitioner is directed to appear before the learned trial court within 2(two) weeks from today and in the event of filing any bail application, the learned trial court will consider the matter in accordance with law. Till such appearance of the petitioner before the trial court, the warrant of arrest and P/A issued against him, be kept in abeyance.

The bail application stands disposed of.

JUDGE

Comparing Assistant