

GAHC010082492024



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

Case No. : Bail Appln./1219/2024

MOHIDUL HUSSAIN @ MAHIDUL ISLAM
S/O MANIK SK. @ MANIKJAL SK.
VILL- KORAITARY (SAGOLCHORA)
P.O. AND P.S. FAKIRGRAM
DIST.KOKRAJHAR, BTR, ASSAM

VERSUS

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

2:FIROJA BIBI
W/O ALI AKBAR
VILL- KUARPAR
P.O. JALABILA
P.S. BAGRIBARI
DIST. KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

17.05.2024

Heard Mr. S. Hussain, learned counsel for the accused and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Mohidul Hussain @ Mahidul Islam**, who has been languishing in jail hazot, in connection with the **Bagribari P.S. Case No. 129/2023**, under Sections 448/376(3)/363/506 of the IPC and read with Section 4 of the POCSO Act, for granting bail.

3. It is to be noted here that the said case has been registered on the basis of one F.I.R., lodged by one Firoja Bibi, on 16.10.2023. The essence of allegation made in the FIR is that on 20.07.2023, at about 3 pm, while other family members were absent in the house, one Mahidul Hussain committed rape upon her daughter Smti 'X' (name withheld), aged 14 years, and threatened her not to disclose the incident to others.

4. Mr. Gogoi, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the accused, under Sections 448/376(3)/506 of the IPC and read with Section 4 of the POCSO Act, vide Charge-Sheet No. 27/2024, dated 29.04.2024.

5. At this stage, Mr. Hussain, learned counsel for the accused submits that as the charge sheet has been submitted, he will approach the learned trial court.

6. In view of above, this Court is inclined to dispose of this bail application by directing the accused to approach the learned court below, by filing appropriate application and in event of filing such an application, the learned Court below shall dispose of the same in accordance with law.

JUDGE

Comparing Assistant