

PGAHC010089632024



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

Case No. : Crl.Pet./531/2024

SULTAN HUSSAIN @ SULTAN UDDIN
S/O SHAB UDDIN
R/O VILL- SOUTH GANGANAGAR, DHARMANAGAR, P.S. DHARMANAGAR,
DIST. NORTH TRIPURA.

VERSUS

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

2:ARAAJ ALI
S/O LT. MAKARAM ALI
VILL- KURTI
P.S. BAZARICHERA
DIST. KARIMGANJ
ASSA

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 27-05-2024

Heard the learned counsel for the parties.

The present application is filed under section 482 Cr.P.C.,
assailing the prosecution initiated against the petitioner i.e., Special

Sessions (POCSO) Case No.261/2023, arising out of Bazaricherra PS Case No.230/2023 under sections 451/376(1) IPC read with section 4/17 of POCSO Act, 2012.

After completion of the investigation the investigating officer submitted charge sheet on 19.02.2024. The charge sheet reveals that the victim girl was medically examined, blood samples and semen's were sent for forensic examination and after completion of investigation, charge sheet was filed.

Mr. N.J. Dutta learned counsel for the petitioner at this stage submits that he will not pursue with the present challenge, however, the petitioner may be directed to file regular bail application before the learned Trial Court below, inasmuch as, he has been declared absconder by the Trial Court below.

Mr. Dutta has taken the plea of alibi, however, this court will not go into the said plea at this stage and the petitioner shall be at liberty to raise the said plea as and when needed.

In view of the aforesaid, the present petition stands closed on withdrawal with liberty to the petitioner to file a regular bail application before the learned trial Court below and in the event such application is filed, the learned trial Court below shall consider the same in accordance with law.

JUDGE

Comparing Assistant