

GAHC010123472024



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

Case No. : AB/1170/2024

ABDUL AUDUT SARKER @ AUDUT SARKER
S/O LT. SK. MOJIBOR RAHMAN
R/O VILL- KHARUABANDA

P.S. SOUTH SALMARA DIST. SOUTH SALMARA
MANKACHAR
ASSAM

VERSUS

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

2:HAFIZUR RAHMAN
S/OLT. JOMER ALI
VILL- TETULTOLA (SRIRAMPARA)
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA
MANKACHAR
ASSAM
PIN- 783135

Advocate for : MR. J AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

17.09.2024

Heard Mr. J. Ahmed, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

Notices were duly served upon the informant. The informant has engaged Ms. T. Som, learned counsel but she is not present, however, her junior namely, Ms. S. Som, learned counsel is present. She only submits that the informant is having objection to the prayer made and nothing more.

By this application under Section 438 of Code of Criminal Procedure, 1973, the petitioner, namely, **Abdul Audut Sarker @ Audut Sarker** has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with South Salmara Police Station Case No. 50/24 registered under Sections 447/376(3) (i)/34 of IPC read with Section 6 of the POCSO Act.

This Court vide order dated 06.06.2024 has granted interim protection to the petitioner while, calling for up-to-date case diary.

The case diary is received. Perused the case diary including the statement of the victim girl.

In her statement, the victim girl stated that she could not identify the accused though she specifically implicated five unknown persons who had attempted rape to her. The eye witnesses also stated regarding hue and cry raised by the victim near the pond. The other accused persons are identified to be one Noral Hoque, one Babul SK @ Babu, one Nalchan and one Rakib. The present petitioner namely Abdul Audut

Sarker @ Audut Sarker has not been named by any of the witnesses including the victim.

Therefore, in the totality of the matter, the interim protection granted to the petitioner under its order dated 06.06.2024 is made absolute in the same terms and conditions with an additional condition that the petitioner shall appear before the I.O. within a period of 10 days from today and on his appearance, the I.O. shall record his statement.

Accordingly, this bail application stands disposed of.

Return back the case dairy.

JUDGE

Comparing Assistant