

GAHC010091372024



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

Case No. : AB/1197/2024

RAMJAN ALI
S/O MD. AMZAD ALI, VILL- SISHUBARI, P.S.-AMGURI, DIST-CHIRANG,
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MERI RABHA
W/O LATE SULI RABHA
R/O OUGURI
P.S.-AMGURI
DIST- CHIRANG
ASSA

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM (R1)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 31.05.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R.J.

Baruah, learned Additional Public Prosecutor for the State and Mr. A. Rahman, learned counsel for the respondent No. 2.

2. This is the third bail application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Ramjan Ali**, who is apprehending arrest in connection with **Special (P) Case No. 134(BGN)/2023 (arising out of Bongaigaon P.S. Case No. 23/2020) under Section 366(A) IPC added Section 6 of POCSO Act**, pending in the court of learned Speical Judge, Bongaigaon.

3. It is submitted by the learned counsel for the petitioner that after filing of the charge-sheet, the matter has been amicably settled between the parties as such, the petitioner did not appear before the learned trial court. Though summons were issued against him and subsequently W/A was also issued against him. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State has submitted that the petitioner was shown as absconder in the charge-sheet. However, he may appear before the learned trial court seeking regular bail.

5. Mr. Rahman, learned counsel for the respondent No. 2 also stated in the same tune as submitted by the learned Additional Public Prosecutor.

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the trial court record.

7. It appears from the record that charge-sheet has been submitted against the petitioner under Section 366-A IPC r/w Section 6 of POCSO Act wherein the compromise agreement is not tenable.

8. In view of above, this Court is of the view that this is not a fit case to grant the privilege of pre-arrest bail to the petitioner. Therefore, the benefit of pre-arrest bail may not be considered to the petitioner and prayer is **rejected** accordingly. It is directed to the petitioner to surrender before the learned trial court and in the event of filing of bail application, the learned trial court will consider the matter in accordance with law.

9. The pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant