

GAHC010092222024



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

Case No. : AB/1223/2024

RAJU SHEIKH @ RAJU
S/O JOHIRUL HOQUE
R/O VILL- ALOMGANJ,PT. VIII
P.S. GAOURIPUR,
DIST. DHUBRI, ASSAM

VERSUS

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

2:XXXX
D/O JABED ALI MANDOL
VILL- RAGAMATI PART-II
P.S. GAURIPUR
DIST. DHUBRI
ASSA

Advocate for the Petitioner : MD. A H LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12.06.2024

Heard Mr. A.H. Lashkar, learned counsel for the applicant. Also heard Mr. B.

Sarma, learned Addl. Public Prosecutor for the State respondent No. 1 and Mr. P. Saikia, learned Legal Aid counsel for the respondent No. 2.

2. Apprehending arrest in connection with Bagribari P.S. Case No. 107/2023, under Sections 365/376(3)/506 of the IPC, read with Section 4 of the POCSO Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Raju Sheikh @ Raju, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Smt. X (name withheld) on 02.09.2023. The essence of allegation made in the FIR dated 02.09.2023, is that on 01.09.2023, at about 8:30 a.m., the informant went to Markaz Academy, situated at Panbari and after reaching the school, she came to know that the school was closed on that day and in the meantime, one Sofiqul Islam, along with two other friends, namely, Muzarof Ahmed and Raju arrived at there in a Maruti car and asked her to board the vehicle assuring to drop her in her residence. But, instead of dropping her in her residence, they have taken her to Bagribari in spite of her resistance and there the accused persons forcefully took her to a place, namely, Angarkata and confined her in a house. Thereafter, Sofiqul Islam committed sexual intercourse with her forcefully and threatened her with dire consequences if she refused to cooperate with him.

4. It is submitted at the bar that in the meantime, investigation has already been completed and charge-sheet has been submitted against one Sofiqul Islam only and the present applicant and one Mosharof Ali have not been forwarded to the Court to face trial and as such, there is no apprehension of arrest and on that count, this application becomes infructuous.

5. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also

perused the charge-sheet dated 27.05.2024.

6. It appears that after completion of investigation, charge-sheet has already been submitted and in the said charge-sheet, one Sofiqul Islam @ Alom has been forwarded to the Court to stand trial and the present applicant Raju Sheikh and one Mosharof Ali have not been forwarded to the Court to stand trial.

7. Since charge-sheet has not been submitted against the present applicant, there is not apprehension of arrest and as such, this application becomes infructuous and accordingly, the same stands closed.

8. Registry shall pay the necessary fees to Mr. P. Saikia, learned Legal Aid counsel as per his entitlement.

JUDGE

Comparing Assistant