

GAHC010094392024



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

Case No. : Bail Appln./1369/2024

NIZAM UDDIN @ LASKAR
S/O JAKIR HUSSAIN
R/O VILL- OKSEKH
HATIBONDA
P.S. MURAJHAR,
DIST. HOJAI, ASSAM (INDIA),
PIN-782439

VERSUS

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

2:SULTANA BEGUM
W/O MASUK UDDIN
P.S. MURAJHAR

DIST. HOJAI
ASSAM
PIN-78243

Advocate for the Petitioner : MR S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

10.06.2024

Heard Mr. SA Ahmed, learned counsel for the petitioner. Also heard Mr. KK Parasar, learned Additional Public Prosecutor, Assam.

The present application is filed under Section 439 Cr.P.C. seeking bail by the petitioner, namely, Nizam Uddin @ Laskar, who is in custody since 15.02.2024 in connection with Murajar PS case No. 23/2024 under Section 366 IPC added Section 4 of the POCSO Act. After investigation, the investigating officer had already filed charge-sheet against the petitioner and the petitioner is now facing trial in connection with SPL (P) 134(H)/24.

This court under its order dated 15.05.2024 has requisitioned the scanned copy of the case record as well as the scanned copy of the case diary.

Same is produced. Perused the statement of the victim recorded under Section 164 Cr.P.C. The age of the victim as per material available in case diary is 14 years 3 months. In her statement recorded under Section 164 Cr.P.C., she has specifically implicated the present petitioner of having forceful sexual intercourse against her will. She has not yet been examined by the learned trial court below.

Considering the material available on record and the stage of trial, this court is of the view that the present petition is devoid of any merit. Accordingly, same stands dismissed.

JUDGE

Comparing Assistant