

GAHC010109032024



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

Case No. : AB/1421/2024

MUSLEM UDDIN @ MUSLIM ALI
S/O LATE PARBAT ALI, VILL- BOYZERALGA PART IX, P.O.-BONDIHANA,
P.S.-FAKIRGANJ, DIST- DHUBRI, ASSAM, PIN-783349

VERSUS

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

2:BADSHA SK
S/O ALIMUDDIN
R/O BOYZERALGA PART IX
P.O.-BONDIHANA
P.S.-FAKIRGANJ
DIST- DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

03. 06. 2024

Heard Mr. MU Mondal, learned counsel for the petitioner. Also heard Mr. B

Sarma, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 438 Cr.P.C. by the petitioner, namely, Muslem Uddin @ Muslim Ali praying for granting anticipatory bail in connection with Special POCSO case No. 203/2023 arising out of Fakirganj PS case No. 129/2023 under Section 366(A)/376(1)/34 IPC read with Section 4 of the POCSO Act.

During investigation, the petitioner approached this court by filing an application under Section 438 Cr.P.C., which was registered as AB 3291/2023.

This court after perusal of the case diary rejected such application and opined that the applicant took active part in kidnapping the victim though there is no allegation of commission of rape by him.

Subsequently, the present applicant along with other accused persons have been charge-sheeted. Accused No. 1 therein though has been charge-sheeted under Section 4 of the POCSO Act, 2012, however, the present applicant was charged under Section 366(A) IPC and he has been shown as absconder. Accordingly, the present application is filed.

This court after perusal of the material do not file any material to grant privilege of pre-arrest bail at this stage that too after such prayer was rejected by this court earlier.

Accordingly, the present application stands dismissed.

JUDGE

Comparing Assistant