

GAHC010109992024



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

Case No. : AB/1441/2024

HAFIZUR RAHMAN
S/O MONOWAR HUSSAIN, R/O SAGOLCHORA PART-I, P.S. AND DIST-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

24.06.2024

1. Heard Mr. A. Rahman, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor appearing for the State of Assam, who submits that initially the case against the petitioner was registered under section 365 of the Indian Penal Code. However, subsequently, section 354C of the Indian Penal Code read with

section 12 and 15 of the POCSO Act, 2012 were added.

2. The petitioner was granted interim bail by a co-ordinate bench of this Court on 03.06.2024 with certain conditions and it is submitted by the learned counsel for the petitioner that the petitioner has appeared before the Investigating Officer in pursuant to the directions of this Court and has co-operated in the investigation.

3. Learned Additional Public Prosecutor appearing for the State of Assam has also submitted that though in her statement made under section 164 of the Code of Criminal Procedure, 1973 the victim girl has implicated the petitioner, however, the petitioner has appeared before the Investigating Officer and his statement under section 164 of the Code of Criminal Procedure, 1973 has also been recorded.

4. Considering the fact that the petitioner has co-operated in the investigation and has complied with the directions of this Court, the interim bail granted to the petitioner, by order dated 03.06.2024 is hereby made absolute with condition Nos. 1, 2 and 3 attached to the said order remaining intact.

5. Send back the case diary.

6. With the above observations, this anticipatory bail application is hereby disposed of.

JUDGE