

GAHC010111382024



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

Case No. : AB/1452/2024

MD. KAUSA ALI @ KAWSAR HUSSAIN
S/O MD. MUBARAK ALI, R/O VILL- UTTAR KHATOWAL, P.S.-RUPAHIHAT,
DIST-NAGAON (ASSAM)

VERSUS

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

2:AJIDA KHATUN
W/O NURUL ISLAM
R/O VILL- UTTAR KHATOWAL
P.S.-RUPAHIHAT
DIST-NAGAON
ASSA

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.07.2024

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is the third bail application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Md. Kausa Ali @ Kawsar Hussain**, who is apprehending arrest in connection with **Special (P) Case No. 38/2024(arising out of Rupahihat P.S. Case No. 408/2023)** under **Section 342/354-A/34 IPC, 1860 r/w Section 8 of POCSO Act**, pending in the court of learned Addl. Sessions Judge cum Special Judge, POCSO, Nagaon.

3. It is submitted by the learned counsel for the petitioner that charge-sheet has been submitted against the petitioner wherein the petitioner has been shown as absconder. The learned counsel for the petitioner further submits that as it is a POCSO case, there is an apprehension that if the petitioner appears before the trial court, he may be sent to jail. Considering the background of the case and the nature of the offence, the petitioner may be allowed to appear before the trial with some protection.

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

6. It appears from the record that charge-sheet has been submitted against the petitioner under Section 342/354(A)/34 of IPC r/w Section 8 of POCSO Act.

7. In view of above, it is directed to the petitioner to surrender before the

learned trial court and in the event of filing any bail application, the learned trial court will consider the matter in accordance with law.

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

JUDGE

Comparing Assistant