

GAHC010111312024



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

Case No. : AB/1509/2024

PANKAJ NAYAK AND 3 ORS.
S/O RAM SOGARATH NAYAK
R/O PANI PATH GEETANAGAR
NEAR GATE HOSPITAL
P.S.-NOONMATI
P.O.-NOONMATI
DIST- KAMRUP (M)
ASSAM
PIN-781020

2: VICKY NAYAK
S/O RAM SOGARATH NAYAK
R/O PANI PATH GEETANAGAR
NEAR GATE HOSPITAL
P.S.-NOONMATI
P.O.-NOONMATI
DIST- KAMRUP (M)
ASSAM
PIN-781020

3: RAHUL KUMAR NAYAK
S/O RAM SOGARATH NAYAK
R/O PANI PATH GEETANAGAR
NEAR GATE HOSPITAL
P.S.-NOONMATI
P.O.-NOONMATI
DIST- KAMRUP (M)
ASSAM
PIN-781020

4: KABITA DEVI
W/O RAM SOGARATH NAYAK
R/O PANI PATH GEETANAGAR
NEAR GATE HOSPITAL

P.S.-NOONMATI
P.O.-NOONMATI
DIST- KAMRUP (M)
ASSAM
PIN-781020
VERSUS

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

2:DHIRENDRA KUMAR
S/O LT. DINESH JHA
R/O PANI PATH GEETANAGAR
NEAR GATE HOSPITAL
P.S.-NOONMATI
P.O.-NOONMATI
DIST- KAMRUP (M)
ASSAM
PIN-781020

Advocate for : MR. SK N MOHAMMAD
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 19.07.2024

Heard Mr. Sk. S. N. Mohammad, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent and Ms. N. J. Begum, learned counsel for the respondent No. 2.

This is an application under Section 438 of the Code of Criminal Procedure praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Noonmati P.S. Case No. 112/2024, under

Sections 325/354/506/34 of the Indian Penal Code *read with* Section 12 of the POCSO Act.

The case was fixed today for production of Case Diary; however, it is submitted by the learned Additional Public Prosecutor, Mr. Sharma, that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 70/2024, dated 25.05.2024, and accordingly submitted that the present anticipatory bail application has become infructuous.

In this context, Mr. Mohammad, learned counsel for the petitioners, has submitted that the accused/petitioners are innocent and they have been falsely implicated in this case. However, they are ready to appear before the learned Court below if they are granted with the privilege of pre-arrest bail.

Considering the submissions of learned counsels for both sides and also considering the fact that the case has already been charge-sheet, vide Charge-Sheet No. 70/2024, dated 25.05.2024, I do not find it appropriate to pass any order on bail. However, the accused/petitioner is hereby directed to approach the learned Court below with an appropriate application for bail, which shall be considered in accordance with law.

In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant