

GAHC010115762024



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

Case No. : AB/1523/2024

SIRAJUL ALI @ ISLAM
S/O MAZID ALI, R/O VILL- BOITHABHANGA, P.S.-MUKALMUA, DIST-
NALBARI (ASSAM), PIN-781126

VERSUS

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

2:(VICTIM)
D/O ZIYAD ALI
VILL- BAITHABHANGA
P.S.-MUKALMUA
DIST- NALBARI (ASSAM)
PIN-78112

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.07.2024

Heard Mr. D.Sarmah, learned counsel for the petitioner. Also heard Mr.R.J.Baruah, learned Additional Public Prosecutor for the State.

By this application under Section 438 Cr.P.C., the petitioner, namely, **Sirajul Ali @ Islam** is seeking pre-arrest bail in connection with **Sessions Special Case No. 37/2024** registered under Sections 366/506/34 of the IPC pending before the learned Special Judge, Nalbari, arising out of Mukalmua PS Case No. 545/2023.

The trial court record, as called for, is placed before the Court.

The learned counsel for the petitioner submits that section 4 of the POCSO Act is not attracted against the present petitioner and cognizance was taken against the petitioner under Section 366/506/34 of the IPC. Though bail application was filed before the trial court but the same was rejected. The petitioner is now ready to face the trial and as such, the learned counsel for the petitioner seeks some time to appear before the learned trial court for bail.

The learned Addl. Public Prosecutor submits that petitioner may approach before the trial court and seek regular bail within a specific period of time.

I have considered the submissions of the parties and perused the averments made in the petition along with the documents annexed to it.

The petitioner is directed to appear before the learned trial court within 10 days from today and in the event of filing any bail application, the learned trial court will consider the matter in accordance with law.

The pre-arrest bail application is disposed of.

JUDGE

Comparing Assistant