

GAHC010117142024



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

Case No. : AB/1529/2024

DUL MAMUD HOQUE
S/O LATE ABDUL JALAL, VILL- CHAKUMAKU, P.O-JAGIROAD, P.S.-
JAGIROAD, DIST-MORIGAON, ASSAM, PIN CODE-782410

VERSUS

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

2:SMTI. KABITA DEVI
W/O MR. JABED ALI
R/O VILL- CHAKUMAKU
P.S.-JAGIROAD
DIST- MORIGAON
ASSAM
PIN-78241

Advocate for the Petitioner : MR. D K KOTHARI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28.06.2024

Heard Mr. Y. Kothari, learned counsel for the petitioner Dil Mamud Hoque.

The petitioner has filed this application under Section 438 Cr.P.C. with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC Case No. 1070/2020 registered under Sections 448 and 376 of the IPC pending in the Court of learned SDJM (S), Morigaon..

Heard Mr. B. Sarmah, learned Addl. P.P., Assam for the State respondent.

The learned Addl.P.P. has submitted that the petitioner has not appeared before the trial Court and has not at all cooperated with the investigation. The I.O. has filed charge-sheet against the petitioner.

I have also scrutinised the trial Court record.

The learned counsel for the petitioner has submitted that the petitioner is willing to cooperate with the trial. I have taken the pragmatic view as the case is pending since 2020. Further, procrastination can be prevented if the petitioner co-operates with the trial.

In view of above, the petitioner is directed to appear before the jurisdictional Court within one month from today and apply for bail which may be considered by the jurisdictional Court in accordance with law.

Till then, no coercive action shall be taken against the petitioner.

The bail application is disposed of.

JUDGE

Comparing Assistant