

GAHC010123972023



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

Case No. : AB/2017/2023

AMRINDER SINGH WALIA
S/O COL. MANJIT SINGH WALIA, R/O HOUSE 155/1, RANJIT NAGAR,
AMBALA CITY, P.S.-BALDEV NAGAR, HARYANA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R P SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.02.2024

Heard Ms. T. Som, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

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 Changsari P.S. Case No. 175/2023, under Sections 365/368/370(4) of the Indian Penal Code.

The case was fixed today for production of Case Diary, however it is intimated by the learned Additional Public Prosecutor, Mr. Kaushik, that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 147/2023, under Sections 365/368 of the Indian Penal Code *read with* Sections 6 & 10 of the POCSO Act, dated 28.02.2023, and accordingly submitted that the present anticipatory bail application has become infructuous.

In this context, Ms. T. Som, the learned counsel for the petitioner, has submitted that after obtaining the order of interim pre-arrest bail, the petitioner has already appeared before the I.O. and his statement under Section 161 Cr.P.C. has already been recorded and hence, prayed for extending the interim pre-arrest bail till his appearance before the learned Court below.

Considering the submissions made by the learned counsels appearing for both sides and also considering the fact that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 147/2023, under Sections 365/368 of the Indian Penal Code *read with* Sections 6 & 10 of the POCSO Act, dated 28.02.2023, the petitioner is hereby directed to appear before the Court of learned Special Judge (POCSO), Amingaon within 10 (ten) days from the date of passing of this order, and on his appearance and on his filing a petition for grant of regular bail, the learned Court below shall consider the same in accordance with law.

Till then, interim protection granted to the accused/petitioner, namely,

Amrinder Singh Walia, vide order dated 07.06.2023, shall remain extended.

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

JUDGE

Comparing Assistant