

GAHC010124262024



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

Case No. : AB/1618/2024

MOFIZUL HOQUE @ MANJIL HOQUE
S/O BELLAL HOQUE, R/O VILL- HAWARAPAR BARBILA PT. II, P.O.-
HAWARAPAR, P.S.-DHUBRI, DIST- DHUBRI, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P KATAKI, MS. S BAISHYA, MS C BORA, MR. A DEKA, MR S P DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.12.2024

Heard Mr.S. P. Das, learned counsel appearing for the petitioner and Mr. D. Das, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 438 of the Cr. P.C. praying for grant of pre-arrest bail to the petitioner, Mofizul Hoque @ Manjil Hoque in respect of Dhubri P.S. Case No. 132/2024.

3. The informant lady has alleged that on the day of occurrence, at night, while her husband was absent in the house, the petitioner allegedly entered into her house and tried to commit rape on her. When she raised hue and cry, the petitioner allegedly fled away. But, after sometime, he returned carrying a sharp weapon. He started to damage the house of the informant. On seeing him, the informant and her husband subsequently came home and had to run away.

4. It has been stated at the bar that the charge sheet No. 255/2024 dated 26.07.2022 was filed.

5. I have considered the submissions made by the learned counsels of both sides.

6. This Court is of the opinion that the petitioner does not deserve to be detained in custody.

7. The present arrest bail application of the petitioner is allowed.

8. The petitioner, Mofizul Hoque @ Manjil Hoque is directed to appear before the trial court within 10 days from today.

9. It is hereby directed that on his appearance before the trial court, the petitioner, Mofizul Hoque @ Manjil Hoque shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the learned trial court.

10. With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant