

GAHC010138562024



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

Case No. : AB/1797/2024

MUJAHID RAHMAN
S/O MOJIBUR RAHMAN, VILL- ANANDAPUR, P.S.-URIAMGHAT, DIST-
GOLAGHAT, ASSAM

VERSUS

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

2:OM BAHADUR PRADHAN
S/O CHANDRA BAHADUR NEWAR
VILL- SAMAGURI
P.S.-URIAMGHAT
DIST- GOLAGHAT
ASSAM
PIN-78560

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM, MR S N KRISHNATRAYA(R-2), MR J PAYENG(R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.09.2024

Heard Mr. N.Uddin, learned counsel for the petitioner as well as Mr. N.K.Das,

learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. S.N.Krishnatraya, learned counsel for the respondent No.2.

This application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely **Mujahid Rahman** praying for pre-arrest bail apprehending arrest in connection with **Barpathar P.S. Case No. 26/2024** under Sections 365/120B/342/354A of IPC read with Section 10/17 of the POCSO Act.

Case diary is received.

The allegation in the FIR reveals that on 17.06.2024, the present petitioner along with another co-accused person had kidnapped two nieces of the informant and sexually assaulted them.

Learned counsel for the petitioner submits that the petitioner is no way connected with the alleged incident. He is a student of Higher Secondary and has cleared H.S. 2nd year examination in Science stream. As per statement of one of the victim recorded under Section 164 CrPC, she has not implicated the present petitioner and as such, petitioner may be enlarged on pre-arrest bail. Learned Addl.P.P. has produced the case diary and submits that two victims are there in the case. One of the victims in her statement recorded under Section 164 CrPC has implicated the petitioner and as such, pre-arrest bail may not be granted to the petitioner at this stage.

Learned counsel for the respondent No. 2 has also made objection in granting pre-arrest bail to the petitioner and submits that if the petitioner is released on pre-arrest bail, there is every possibility of instigating the witnesses in the case.

I have heard the learned counsel for the parties and perused the case diary.

Case diary reveals that one of the victims in her statement u/s 164 CrPC has stated that the present petitioner is involved in the alleged offence. It further reveals that the victim No.2 has been sexually abused by the present petitioner.

Under the facts and circumstances of the case, this court is not inclined to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the pre-arrest bail application is rejected.

Return the case diary.

This disposes of the pre-arrest bail application.

JUDGE

Comparing Assistant