

GAHC010181312023



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

Case No. : AB/2881/2023

ANOWARA KHATUN AND ANR
W/O- KADER ALI, R/O- VILL.- SATRAKANARA GOVINDAPUR, RESERVE,
SEAT NO. 9, P.S. BAGHBAR, DIST. BARPETA, ASSAM, PIN- 781308.

2: KADER ALI
S/O- LATE JALAL UDDIN
R/O- VILL.- SATRAKANARA GOVINDAPUR
RESERVE
SEAT NO. 9
P.S. BAGHBAR
DIST. BARPETA
ASSAM
PIN- 781308

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A A AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

23.04.2024

There is no representation on behalf of the petitioners today on call.

By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioners viz. [i] Anowara Khatun; and [ii] Kader Ali have approached this Court seeking the benefit of pre-arrest bail, apprehending their arrest, in connection with Moran Police Station Case no. 30/2023 registered under Section 120B/406/420, Indian Penal Code [IPC].

The petitioners were extended interim protection by an order dated 22.08.2023 with a direction to appear before the Investigating Officer [I.O.] of the case within a period of 2 [two] weeks from 22.08.2023.

Ms. Bhuyan, learned Senior Counsel & Additional Public Prosecutor has submitted, on instruction, that the I.O. of the case after completion of investigation, has already submitted a charge sheet under Section 173[2], CrPC in connection with Moran Police Station Case no. 30/2026 vide Charge Sheet no. 75/2023 dated 31.10.2023.

When the application was listed previously on 09.04.2024, none had appeared for the petitioners on call. None has appeared for the petitioners today also on call. It appears from non-representation on behalf of the petitioners for two consecutive occasions that the petitioners are not interested to pursue the instant application. Accordingly, the bail application is dismissed for non-prosecution.

JUDGE

Comparing Assistant