

GAHC010205762024



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

Case No. : AB/2657/2024

MAHMADUL HASAN @ MAMUDUL ISLAM
S/O SAIFUL ISLAM
R/O CHATIAN P.S. JURIA
P.O. TINSUKIA, DIST. NAGAON, ASSAM
PIN-782124

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:MUSTT. FALANI
W/O ANAR HUSSAIN
R/O CHATIAN
P.S. JURIA
P.O. TINSUKIA

DIST. NAGAON
ASSAM
PN-78212

Advocate for the Petitioner : MR. M K HUSSAIN, MD A RAHMAN,MR. M ALOM,MRS. S Y AHMED

Advocate for the Respondent : PP, ASSAM, MR. J A AHMED (R-2)

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 28.10.2024

Heard Mr. M.K.Hussain, learned counsel for the petitioner as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. J.Ahmed, learned counsel for the respondent No.2.

This application under section 482 of the Bharatiya Nagarik Surakshya Sanhita, 2023 has been filed by the petitioner, namely **Mahmadul Hasan @ Mamudul Islam** praying for pre-arrest bail apprehending arrest in connection with **Juria P.S. Case No. 133/ 2024** under Section 448/376 (3)/294/506 of the IPC read with Section 6 of the POCSO Act.

Case diary is received.

Learned counsel for the petitioner submits that the petitioner is a student of Rupahi College and he is not involved in the alleged offence. There is a land dispute between the families of the victim and the petitioner and as such, FIR had been instituted against the petitioner. As the petitioner is apprehending arrest, he may be enlarged on bail.

Learned Addl.P.P. has produced the case diary and submits that the victim is only 14 years old girl and as per statement recorded under Section 164 CrPC, the victim had stated that the accused had committed rape on her.

Learned counsel for the respondent No.2 also objected in granting bail to the

petitioner and submits that the victim is carrying pregnancy of 21 weeks.

Having heard learned counsel for the parties and on perusal of the case diary, this Court is of the opinion that it is not a fit case to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant