

GAHC010241302023



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

Case No. : AB/3649/2023

NOBIR HUSSAIN
S/- MAKBUL HUSSAIN, VILL- NO- 5 BHANDARA, P.S- MANIKPUR, DIST-
BONGALGAON, ASSAM

VERSUS

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

2:KAMAL KR NAYAK
S/O- LT- NALINI RANJAN NAYAK
SECRETARY OF BHANDARA GP
P.S MANIKPUR
PIN - 783390
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.03.2024

Heard Mr. M.H. Ahmed, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Manikpur P.S. Case No.180/2023, under Section 376 IPC, read with Section 6/17 of the POCSO Act, read with Section 9/10/11 of the Prohibition of Child Marriage Act, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Nobir Hussain, for grant of pre-arrest bail.
3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Kamal Kr. Nayak, on 03.10.2023. The essence of allegation made in the aforesaid FIR is that one Nobir Hussain of village No.5 Bhandara, under Manikpur P.S., forcefully got married with one 17 years old girl, namely, Smt. X (name withheld), daughter of one Owaj Karoni Miya and now she has been carrying pregnancy and also taking medical advice for Government facilities.
4. Mr. Ahmed, learned counsel for the applicant submits that as per his information the I.O. has completed investigation and submitted charge-sheet and that the applicant was granted the privilege of interim pre-arrest bail vide order dated 22.11.2023, and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.11.2023, absolute, in the same terms and conditions.
5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, also confirmed that the investigation has culminated in submission of charge-sheet, being Charge-Sheet No.167, dated 31.10.2023, under Section 9/10/11 of the Prohibition of Child Marriage Act, read with Section 376 IPC, read with Section 6/17 of the POCSO Act.
6. Since charge-sheet has already been submitted after completion of investigation,

this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before **04.04.2024** and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, interim order dated 22.11.2023 stands extended.

Sd/- Robin Phukan
JUDGE

Comparing Assistant