

GAHC010243542023



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

Case No. : AB/3634/2023

SAIFUL ISLAM
S/O- AHMED ALI, R/O- VILL.- SOLMARI, P.O. BISWANATH GHAT, P.S.
BISWANATH CHARIALI, DIST. BISWANATH, ASSAM, PIN- 784182.

VERSUS

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

2:SMTI. SARUBHANI HAZARIKA
W/O- SRI DWIPEN HAZARIKA
VILL.- HAZARIKA CHUK
P.O. AND P.S. GOHPUR
DIST. BISWANATH
ASSAM
PIN- 784168

Advocate for the Petitioner : MR P NEOG

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.02.2024

Heard Mr. P Neog, learned counsel for the petitioner. Also heard Mr. MP Goswami, learned Additional Public Prosecutor, Assam for the respondent State and Mr. L Gogoi, learned counsel on behalf of the respondent No.2.

This is an application under Section 438 Cr.P.C. for granting the privilege of pre-arrest bail to the petitioner, namely, Saiful Islam, who is apprehending arrest in connection with Gohpur P.S. Case No.163/2023 under Section 354(D) of the IPC read with Sections 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 [in connection with SPL (POCSO) No.164/2023].

Mr. MP Goswami, learned Additional Public Prosecutor, Assam submits that charge sheet vide charge sheet No.165/23 dated 31.10.2023 had already been laid against the petitioner. On the other hand, the accused-petitioner is on interim pre-arrest bail granted by this court on 19.10.2023.

That being so, the accused-petitioner, if so advised, shall appear before the learned court below with an appropriate application for bail, which the learned court below shall consider on its own merit. However, since the accused-petitioner is availing interim pre-arrest bail, vide order dated 19.10.2023, therefore, the interim pre-arrest bail granted to the petitioner is extended for another period 2(two) weeks from today during which period the accused petitioner shall appear before the learned Court below.

It is made clear that in the event, the accused-petitioner fails to appear before the learned court below within the time stipulated, the interim order passed on 19.10.2023 shall automatically stand vacated.

With the above direction, this application stands disposed of.

JUDGE

Comparing Assistant