

GAHC010249822023



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

Case No. : AB/3788/2023

RUHUL AMIN
S/O- LT. AFAZUDDIN, R/O- PAKORIGURI, P.O. SANDAHKHAITI, P.S.
MAYONG, DIST.- MORIGAON, ASSAM, PIN- 782121, PH NO- 9577726468

VERSUS

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

2.:JAKIR HUSSAIN
S/O- LT. SUKUR MAMUD
R/O- PHALIAMARI HABI
P.O. SANDAH KHAITI
P.S. MAYONG
DIST.- MORIGAON
ASSAM
PIN- 78212

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

03.01.2024

Heard Mr K Thakur, learned counsel for the petitioner, Ruhul Amin.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail as he is apprehending arrest in connection with Mayong PS Case No. 93/2023, under Sections 354/376 AB of IPC, read with Sections 4/6 of the POCSO Act.
3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam and Mr B Ali Sheikh, learned counsel for the respondent No. 2.
4. It is submitted on behalf of the petitioner that the petitioner is not liable under Sections 354/376 AB of IPC, read with Sections 4/6 of the POCSO Act, as the allegation in the FIR is basically against the prime accused, Umar Ali.
5. Learned Additional Public Prosecutor has submitted that this case is not maintainable as the petitioner is booked under Section 376 AB IPC.
6. The learned counsel for the respondent No. 2 has submitted that he has no objection if the petitioner is granted anticipatory bail.
7. I have considered the submissions at the Bar with circumspection. I have also perused the Case Diary.
8. Indeed, there are incriminating materials in the Case Diary against the petitioner. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.
9. Petition is rejected at this stage.
10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant