

GAHC010251302023



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

Case No. : AB/3768/2023

RAMJAN ALI
S/O- RAHMOT ALI, R/O- NO. 3 JARAGURI, P.S. MANIKPUR, DIST.-
BONGAIGAON, ASSAM

VERSUS

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

2:ASHOK KUMAR BASUMATARY
S/O- LT. SUBHASH KR. BASUMATARY
R/O- HAPACHARA GP
P.S. AND DIST.- BONGAIGAON
ASSA

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

01.02.2024

Heard Mr. S.M. Abdullah P., learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Manikpur P.S. Case No.183/2023, under

Section 9/10/11 of the Prohibition of Child Marriage Act, read with Section 6/17 of POCSO Act, read with Section 376 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Ramjan Ali, 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 Ashok Kumar Basumatary on 03.10.2023. The essence of allegation made in the aforesaid FIR is that Smt. X (name withheld), 16 years, daughter of Ramjan Ali of No.3 Jaraguri under Manikpur P.S. was forcefully married to one Sanidul Islam @ Gudu and presently she has been carrying pregnancy.

4. Mr. Abdullah, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant vide order dated 10.11.2023 and pursuant to the said order, he had appeared before the I.O. and in the meantime, charge-sheet has been submitted in this case and therefore, it is contended to make the interim order dated 10.11.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary, but as per his instruction the I.O. has completed the investigation and submitted charge-sheet, being Charge-Sheet No.168/2023, dated 31.10.2023, under Section 9/10/11 of the Prohibition of Child Marriage Act, read with Section 6/17 of POCSO Act, read with Section 376 IPC.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 20.02.2024, 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. Till then, interim order dated 10.11.2023, stands extended.

7. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant