

GAHC010285752023



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

**Case No. : AB/4246/2023**

AKLIMA KHATUN  
W/O ABDUL HAMID  
PERMANENT RESIDET OF VILL- NAMBERPAA PART-I, P.O. NAMBERPARA,  
UNDER ABHAYAPURI POLICE STATION, IN THE DISTRICT OF  
BONGAIGAON, ASSAM, AND PRESENTLY RESIDING AT HATIGAON  
CHARIALI, NEAR MASZID, GUWAHATI-781038, UNDER HATIGAON POLICE  
STATION, IN THE DISTRICT OF KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

2:HASNA KHATUN  
W/O LT AYNAL HOQUE  
R/O - SOULMARI  
PS – ABHAYAPURI, DIST - BONGAIGAON  
ASSA

**Advocate for the Petitioner : MD A RAHMAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**12.03.2024**

Heard Mr. S. Das, 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 Abhayapuri P.S. Case No.512/2023, under Section 376 IPC, read with Section 4 of the POCSO Act, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Aklima Khatun, 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 Hasina Khatun, on 20.11.2023. The essence of allegation made in the aforesaid FIR is that about a year back, one Hafizur Rahman had kidnapped his minor daughter, namely, Smt. X (name withheld), aged 16 years 3 months and taken her to the house of Aklima Khatun and there he committed sexual intercourse against her will and as a result of which her daughter has been carrying pregnancy of 7 months and since then Hafizur Rahman has been absconding.

4. Mr. Baruah, learned Additional P.P. submits that he has not received the case diary and as per his instruction the I.O. has completed investigation and thereafter, submitted charge-sheet, being Charge-Sheet No.43/2024, dated 26.02.2024.

5. In view of the submission of learned Additional P.P., this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 08.04.2024 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.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**