GAHC010142152020

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

Case No. : AB/2831/2020

SAFIKUL ISLAM
S/O LATE NURUDDIN, R/O KEOTKUCHI, P.S.-BARPETA, DIST-BARPETA, ASSAM, PIN-781316

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z KAMAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

12.11.2020

There is no representation on behalf of the petitioner today on call.

Heard Mr. T.K. Misra, learned Additional Public Prosecutor for respondent, State of Assam.

This application under Section 438, Code of Criminal Procedure, 1973 (CrPC) has been filed by the petitioner viz. Safiqul Islam seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Barpeta Police Station Case no. 722/2020 (corresponding G.R. Case no. 1810/2020) registered for the offences punishable under Sections 376/506, Indian Penal Code (IPC). It appears that the present application for pre-arrest bail has been filed by the petitioner for the 3rd occasion. Earlier, the petitioner had preferred applications, AB

1192/2020 and AB 1462/2020. The 1st application, AB 1192/2020 was rejected by an order dated 27.05.2020 after perusal of the materials in the case diary. The 2nd application, AB 1462/2020 was withdrawn on 24.09.2020 on the prayer of the petitioner.

Learned Additional Public Prosecutor has submitted that he has received an up-to-date case diary, as called for, by order dated 14.10.2020. He has submitted that on perusal of the materials in the case diary, no new grounds can be said to have emerged for re-consideration of the earlier order dated 27.05.2020 passed in AB 1192/2020.

Considering the fact that this is an application under Section 439, CrPC for the 3rd occasion and there is no representation on behalf of the petitioner today as well as on the previous date of listing, 06.11.2020, it appears that the petitioner is not interested to pursue this application.

Accordingly, this bail application stands dismissed for non-prosecution.

JUDGE

Comparing Assistant