GAHC010157762020

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

**Case No. : Bail Appln./2431/2020**

NAZRUL HOQUE
S/O LT. MONJURUL HOQUE, R/O NOGAJAN, P.S.-KHARUPETIA, DIST-DARRANG, ASSAM, PIN-784115

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. D CHOUDHURY

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

**B E F O R E**

**HON'BLE MR. JUSTICE HITESH KUMAR SARMA**

18-12-2020

This is an application made under Section 439 Cr.P.C., seeking bail by the accused-petitioner, namely, ***Nazrul Hoque***, in connection with ***Kharupetia P.S. Case No.172/2020***, registered under Sections ***376/506*** of the Indian Penal Code.

Heard Mr. P.Dutta, learned counsel for the petitioner. Also heard Mr. NJ Dutta, learned Additional Public Prosecutor, Assam for the Respondent State.

Scanned copy of the record has been received.

It appears from the materials in the record that charge-sheet in this case has been laid under Section 376/506 of the Indian Penal Code, read with Section 4 of the POCSO Act. The order-sheets of the case record reveal that prayer for bail of the petitioner was rejected several times by the learned Special Judge. However, charge has not been considered yet. The petitioner is in judicial custody.

The materials so far available before this Court make it clear that there are incriminating materials against the petitioner and, therefore, his prayer for bail can be considered only after consideration of charge by the learned Special Court under the POCSO Act.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner would be at liberty to approach this Court again after the consideration of charge. The learned Court below is directed to expedite consideration of charge in this matter since the petitioner has been judicial custody for 164 days as on date.

The bail application, accordingly, stands disposed of.

The petitioner shall produce a copy of this order before the learned Special Judge.

JUDGE

**Comparing Assistant**