GAHC010169472020

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

Case No. : AB/3422/2020

ABUL HUSSAIN MAZUMDER AND ANR.
S/O LT. SUNDAR RAJA MAZUMDER, VILL-KUCHILA GRANT, P.S. AND DIST-HAILAKANDI, ASSAM

2: FARUK AHMED MAZUMDER
S/O LT. SUNDAR RAJA MAZUMDER
VILL-KUCHILA GRANT
P.S. AND DIST-HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F A LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

17-12-2020

This is an application, made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioners, namely, **1. Abul Hussain Mazumder** and **2. Faruk Ahmed Mazumder** apprehending arrest in connection with **Hailakandi Police Station Case No. 896 of 2020**, (corresponding to GR Case No. 2104/2020), registered **under Sections 447/366-A/376/323/34 of the IPC, read with Section 4 of the POCSO Act, 2012.**

Heard Mr. S.C. Biswas, learned counsel for the petitioners as well as Ms. A. Begum, learned Additional Public Prosecutor, appearing for the State of Assam.

The case diary produced has been perused including the statement of the victim, recorded under Section 164 of the Cr.P.C.

There is no such material in the case diary against the petitioner No. 2, Faruk Ahmed Mazumder, who has already been granted interim protection, vide order dated 01-12-2020.

That being so, in the absence of any material in the case diary, the petitioner No. 2 is granted the privilege of pre-arrest bail.

The interim protection granted to the petitioner No. 2, above named, is made **absolute** by this order.

So far the petitioner No. 1 is concerned, on perusal of the case diary, particularly, the statement of the victim, recorded under Section 164 of the Cr.P.C., it appears that he has been implicated by the victim and considering the manner in which the offence was committed on her, this Court is not inclined to grant pre-arrest bail to the petitioner No. 1. Accordingly, the prayer for pre-arrest bail made by the petitioner No. 1 is **rejected** at this stage.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant