GAHC010171332020

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

Case No. : AB/3442/2020

MD. SAHA ALOM @ SHAH ALAM
S/O SAIFUL ISLAM, R/O VILL-BOWALGURI, P.S.-LAHARIGHAT, DIST-MORIGAON, ASSAM, REPRESENTED BY MUSTT. KHAIRUN NEHAR, AGED ABOUT 45 YEARS, W/O SAIFUL ISLAM, R/O BOWALGURI, P.S.-LAHARIGHAT, DIST-MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR J C BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR JUSTICE SONGKHUPCHUNG SERTO

ORDER

26-11-2020

This is an application under **Section 438 Cr.P.C.**, praying for pre-arrest bail for the petitioner, namely, **Md. Saha Alom @ Shah Alam,** who is apprehending arrest in connection with **Laharighat Police Station Case No. 376 of 2020**, registered **under Sections 376(2)(i)/294 of the IPC, read with Section 4 of the POCSO Act**.

Heard Mr. J.C. Borah, learned counsel appearing for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for the State.

At the very outset it is submitted by the learned counsel for the petitioner that the petitioner was minor on the day the offence was alleged to have been committed, therefore, he may be dealt with as per law applicable to minors. In support of his submission, the learned counsel

for the petitioner has referred to the Transfer Certificate, issued by the Headmudaris of Bowalguri Pre Senior Madrassa, wherein the date of birth of the petitioner is shown as 10-08-2005.

Considering the *prima facie* juvenility of the petitioner, this Court is of the view that it would be more appropriate for the petitioner to approach the Juvenile Justice Board concerned.

Accordingly, the petition is disposed of and the petitioner is directed to approach the Juvenile Justice Board concerned within ten days from today and till then, no coercive measure should be taken by the police against the him.

JUDGE

Comparing Assistant