

GAHC010197852019



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

Case No. : AB 2737/2019

1: MOHIBUL HOQUE AND ANR.
S/O JOIMUDDIN SHEIKH, R/O MOICHA PART-I, P.S.-AGOMANI, DIST-
DHUBRI, ASSAM

2: JOIMUDDIN SHEIKH
S/O LATE BODIYA SHEIKH
R/O MOICHA PART-I
P.S.-AGOMANI
DIST-DHUBRI
ASSAM

VERSUS

1: THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2: SHONEKA KHATUN
D/O AKBAR ALI
R/O MOICHA PART-I
P.S.-AGOMANI
DIST-DHUBRI
ASSA

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA**

ORDER

Date : 30-09-2019

Heard Mr. SM Mollah learned counsel for the accused-petitioners as well as Mrs. SH Borah, learned Additional Public Prosecutor, appearing for the State respondent.

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioners, namely, **1. Mohibul Hoque** and **2. Joimuddin Sheikh**, in connection with **Agomani PS Case No. 227/2019** registered under Sections 376/34 of the IPC read with Section 4 of the POCSO Act.

The learned counsel for the petitioner has submitted that so far the petitioner No. 1 is concerned, he has already been arrested. Therefore, this petition under Section 438 of the Cr.PC has become infructuous so far petitioner No. 1, **Mohibul Hoque** is concerned.

So far the petitioner No. 2, Joimuddin Sheikh is concerned, he has already been granted the privilege of pre-arrest bail vide order, dated 30.08.2019.

That being so, this petition stands disposed of being infructuous in respect of the petitioner No. 1.

JUDGE

Comparing Assistant