

GAHC010182572020



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

Case No. : AB/3642/2020

MD. BARKAT ALI
S/O SABAN ALI, R/O VILL-HABI RADHAKUCHI, P.S. AND DIST-BARPETA,
ASSAM, PIN-781309

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 29-01-2021

Heard Mr. DK Das, learned counsel for the petitioner. Also heard Mr. RJ Baruah, 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-petitioner, namely, ***Md. Barkat Ali***, in connection with ***Barpeta Sadar PS Case No. 2184/2020*** registered under Section 8 of the POCSO Act.

Perused the case diary produced before this Court, including the statement of the victim recorded under Section 164 of the Cr.PC.

Although the victim had implicated the petitioner with the allegation of the touching her breast, yet in the considered view of this Court, custodial interrogation of the petitioner is not necessary for the purpose of investigation of the case. Therefore, the petitioner is granted the privilege of pre-arrest bail.

Accordingly, the interim pre-arrest bail granted to the petitioner, vide order, dated 11.01.2021 is made absolute on the same terms and conditions.

Return the case diary.

The petition stands disposed of accordingly.

JUDGE

Comparing Assistant