

GAHC010025102022



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

Case No. : AB/407/2022

JAHIDUL HOQUE @ JAYDUL HOQUE
S/O. HAKIM ALI, R/O. JAHIRPUR, BHAKUAMARI, DIST. KAMRUP, ASSAM,
PIN-781137.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 28-02-2022

Heard Mr. T Hussain, learned counsel for the petitioner. Also heard Mr. BB Gogoi, 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, ***Jahidul Hoque @ Jaydul***

Hoque, in connection with **Sualkuchi River Police Station Case No. 01/2022** registered under Sections 448/376(3)/313/109 of the IPC read with Section 4 of the POCSO Act.

The case diary called for has been received and perused.

The victim is below 16 years of age as per the birth certificate available in the case diary. The accusation is, *inter alia*, under Section 376(3) of the IPC. That being so, in view of the provisions of sub-section 4 of Section 438 of the Cr.PC, the application under the said provisions is not maintainable.

The petition stands disposed of being not maintainable.

JUDGE

Comparing Assistant