

GAHC010052272025



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

Case No. : AB/610/2025

RAJIB HUSSAIN LASKAR @ RAJIB HUSSAIN
R/O LALPANI PART-2, P/O AND P/S- JIRIGHAT, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:RANJANA BEGUM
W/O TAJ UDDIN
R/O VIL-LALPANI PART-II
P.O. ANDP.S.JIRIGHAT
DIST. CACHAR
ASSAM
PIN-78810

Advocate for the Petitioner : MR. L R MAZUMDER, MR. A ISLAM

Advocate for the Respondent : PP, ASSAM, M ISLAM (R-2),MR A ISLAM(R-2),M ISLAM (R-2)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.05.2025

1. Heard Mr. L. R. Mazumder, learned counsel for the petitioner and also heard Mr. R. J. Baruah, learned Additional Public Prosecutor.
2. The application under Section 482 of B.N.S.S, 2023, has been filed by the

petitioner, namely, Rajib Hussain Laskar @ Rajib Hussain, who is appending his arrest in connection with Jirighat P.S. Case No. 182/2024, under Section 313(4)/115(2)/351(3) of B.N.S, 2023, read with Section 6 of the POCSO Act, 2012.

3. The gist of accusation in this case is that on 16.08.2024, the mother of the victim girl had lodged and FIR, alleging that on 15.08.2024, the present petitioner had sexually abused her minor daughter and raped her and also assaulted her.

4. The earlier anticipatory bail application filed by the petitioner was rejected by this Court on 04.02.2025 in AB Case No. 3051/2024.

5. The learned counsel for the petitioner has submitted that the almost eight months have been passed since the date of alleged incident and the charge-sheet is not yet submitted against in this case as per mandate of Section 193 of the B.N.S therefore, he submits that there may not be any requirement of custodial detention for completion of the investigation and hence the petitioner may be allowed to go on anticipatory bail.

6. On the other learned Addl. Public Prosecutor, has vehemently opposed the prayer of the petitioner. He has produced the case diary of Jirighat P.S. Case No. 182/2024, and has submitted that this second anticipatory bail application is not maintainable inasmuch as, no new ground has been stated in the said application after his first application was rejected by this Court on perusal of the case diary.

7. He further submits that the sufficient incriminating materials are there including the statement of the victim girl which was recorded under section 183 of BNSS. He also submits that though the petitioner has claimed the victim to be

mature, however, which the birth certificate which is available in the case diary, it appears that the victim is still a minor girl and therefore, he vehemently opposed the prayer for bail.

8. I have considered the submissions made by learned counsel for both the sides, and gone through the case diary, it appears that no fresh ground is there for preferring the instant this anticipatory bail application by the petitioner. It also appears on perusal of the case diary that sufficient incriminating materials are there in the case diary implicating him in the offence under Section 6 of the POCSO Act, 2012, therefore this Court is not inclined to consider the prayer for anticipatory bail of the petitioner when his earlier prayer was rejected after perusal of the case diary.

9. Accordingly, this anticipatory bail application is accordingly dismissed.

10. Send back the case diary.

JUDGE

Comparing Assistant