

GAHC010015672025



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

Case No. : AB/162/2025

AFZAL @ AFZALUR RAHMAN
S/O ABDUL MATIN,
RESIDENT OF VILLAGE RAMPUR, PO AND PS KALGACHIA, DIST
BARPETA, ASSAM 781319

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:RAFIQUL ISLAM
S/O FAJAL HOQUE

RESIDENT OF VILLAGE RAMPUR
PS KALGACHIA
DIST BARPETA
ASSA

Advocate for the Petitioner : P BURAGOHAIN, MR. C. SHIL, B SARKAR, MR A. SARKAR, D R BONGSHIARY, MR S C DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE

HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29.01.2025

1. Heard Mr. S.C. Das, learned counsel for the petitioner as well as Mr. D. P. Goswami, learned Additional Public Prosecutor appearing for the State respondent No.1.

2. By this application under Section 482 of the BNSS, 2023, the petitioner has prayed for bail in connection with Kalgachia P.S. Case No. 471/2015 under Section 366(A)/34 IPC read with Section 4 of POCSO Act corresponding to Special POCSO Case No. 50/2022.

3. As Mr. D. P. Goswami, learned Additional Public Prosecutor has entered appearance on behalf of the State respondent No.1, a copy of the petition along with the documents annexed thereto be furnished to him during the course of the day.

4. Issue notice upon the respondent No.2.

5. The present application is arising out of the POCSO Act, accordingly, in view of the above facts and in terms of the judgment of this Court passed in *Dipak Nayak vs. State of Assam* [Criminal Appeal(J) 40/2022], notice be issued to the victim/guardian of the victim/informant through the O.C., of concerned Police Station.

6. The petitioner shall submit a copy of the petition to the Registry of this Court, who shall furnish the same to the learned Additional Public Prosecutor. The learned Additional Public Prosecutor shall thereafter forward the same to the O.C. of concerned P.S., who shall serve the same to the

victim/guardian of the victim/informant. The O.C. of concerned P.S. shall thereafter give a report of service of the petition/notice to this Court.

7. Call for the scanned copy of the Trial Court record.
8. The Registry to procure the same.
9. List the matter after 3(three) weeks.

JUDGE

Comparing Assistant