

GAHC010028102024



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

Case No. : AB/353/2024

PRANAB SARKAR @ PRANAB MONDAL
R/O VILL- KURIHAR PAM
P.S. SARTHEBARI
P.O. KARAGARI
PIN-781307
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

15.03.2024

Heard Ms. S.G. Baruah, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Sarthebari P.S. Case No.01/2024, under Section 365 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Pranab Sarkar @ Pranab Mondal, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Judhisti Mandal, on 01.01.2024. The essence of allegation made in the aforesaid FIR is that on 27.12.2023, one Pranab Mondal has kidnapped his daughter aged 16 years 10 months and kept her confined in a secret place.

4. Ms. Baruah, learned counsel for the applicant submits that this Court vide order dated 16.02.2024 was pleased to grant interim protection to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Ms. Baruah contended that the interim order dated 16.02.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary, but as per his instruction the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.14/2024, dated 25.02.2024, under Section 365 IPC, read with Section 4 of the POCSO Act also confirmed that the investigation has also culminated in submission of charge-sheet, being Charge-Sheet No.167, dated 31.10.2023, under Section 9/10/11 of the Prohibition of Child Marriage Act, read with Section 376 IPC, read with Section 6/17 of the POCSO Act.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before **01.04.2024** and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, interim order dated 16.02.2024 stands extended.

**Sd/- Robin Phukan
JUDGE**