

**Crl. Misc. No. 927/2019**

**28.11.2019** Bail petitioner for the accused person Md. Aminul @ Aminul Islam represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioner namely- **Md. Aminul @ Aminul Islam**, who is apprehending arrest in connection with Mikirbheta P.S. Case No. 29/16 (GR No.179/16), U/S 366A/342 IPC.

Petition is supported by an affidavit, Md. Abdul Ali swearing that that no bail petition has been rejected or pending before Hon'ble Gauhati High Court or Sessions Judge Morigaon.

Learned PP/State already notified.

Heard both sides.

Prosecution case, in concise, is that informant lodged a written ejahar stating inter-alia, that on 24.1.2016 at about 6.00 p.m. accused person Md. Aminul kidnapped informant's minor daughter from his house. Hence, this case.

Learned counsel for the accused petitioner submitted that accused person is innocent. *Per-contrā* learned P.P. has submitted that the case charge sheeted.

Perused L.C.R and CD. L.C.R shows that in the mean time the case has been charge sheeted vide charge sheet no.62/16 dated 30.4.16 u/s 366A/342 IPC and in the file of learned Addl. CJM, that is GR. No. 179/16. Learned Elaka Magistrate already has taken cognizance and case is waiting at appearance stage. This is a prayer u/s 438 Cr.P.C.

In consideration of the above position, accused petitioner is directed to approach the learned Court below with appropriate prayer, who shall deal with same as per law.

To the extent above, the bail prayer stands disposed off.

Send back L.C.R & CD accordingly. Inform all concerned.

Asstt. Sessions Judge, Morigaon