

GAHC010091922023



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

Case No. : AB/1572/2023

GOPAL KAMATI @ KAMTI
S/O RAJ KISHORE KAMTI,
R/O VILL- WARI P.S. SINDIA
DIST. SAMASTIPUR(BIHAR)
PRESENTLY RESIDING AT THE HOUSE OF PAWAN RAI, BIJOYNAGAR, DIST.
KAMRUP, ASSAM
CONTACT NO. 9864062271

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K JAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 04.05.2023

Heard Mr. A.k. Jain, learned counsel for the petitioner and Ms. S.H. Borah, learned Addl. PP for the State.

2. This anticipatory bail application has been filed by the petitioner, namely, Sri Gopal Kamati @ Kamti, apprehending arrest in connection with the order

dated 25.04.2023 passed by the Addl. Session Judge No. 1, Kamrup (M) at Guwahati in Sessions Case No. 257/2016 under Sections 395/397 of the IPC arising out of Sonapur P.S. Case No. 158/2015 under Section 397 of the IPC, whereby the NBWA was issued against the petitioner and other accused persons.

3. It is submitted by the learned counsel for the petitioner that the petitioner is a driver by occupation and during the COVID-19 Pandemic situation, he had lost his job and was, therefore, moving around from place to place in search of employment. The learned counsel for the petitioner submits that it is perhaps because he was away from Guwahati in search of his employment that the summons issued by the Court was not served upon him and consequently, he failed to appear before the Court of Addl. Session Judge, Kamrup(M). The learned counsel for the petitioner submits that he will appear before the Court on every date as directed and contest the matter pending before the Addl. Session Judge No. 1, Kamrup (M) at Guwahati. As such the prayer made for the anticipatory bail be considered and the petitioner be granted the protection as prayed for.

4. Ms. S.H. Borah, learned Addl. PP submits that the petitioner may be directed to comply with the order dated 25.04.2023 and appear before the Court of Addl. Sessions Judge No. 1, Kamrup (M) at Guwahati in connection with Session Case No. 257/2016.

5. Having heard the learned counsels for the parties and also having perused the bail petition, this Court is of the view that ends of justice will suffice if the petitioner is directed to appear before the Court of Addl. Sessions Judge No. 1, Kamrup (M) at Guwahati in connection with Session Case No. 257/2016 as directed on the next date which is on 03.07.2023.

6. If the petitioner appears on the next date fixed i.e. 03.07.2023, the learned Addl. Session judge No. 1, Kamrup (M) at Guwahati will recall the NBWA issued against him vide order dated 25.04.2023. The petitioner, thereafter, file appropriate application before the Addl. Judge No. 1, Kamrup (M) as advised and if such application is filed it will thereupon be considered by the Court and pass appropriate orders.

7. The anticipatory bail application stands disposed of in terms of the above.

JUDGE

Comparing Assistant