

GAHC010129382023



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

Case No. : Bail Appln./2089/2023

HUSSAIN AHMED
S/O LATE ABDUL HOQUE
R/O VILL- UDALI KACHARI GAON
P.O. UDALI BAZAR
P.S. LANKA
DIST. NAGAON (ERSTWHILE HOJAI), ASSAM

VERSUS

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

2:RAHENA BEGUM
W/O RIJU AHMED
R/O VILL- UDALI KACHARI GAON
P.O. UDALI BAZAR P.S. LANKA
DIST. NAGAON (ERSTWHILE HOJAI)
ASSA

Advocate for the Petitioner : MR. M ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16.06.2023

Heard Mr. A. Ali, learned counsel for the accused petitioner and Ms. S.H.

Borah, learned Addl. PP for the State.

2. This bail application has been filed by the petitioner, namely, Hussain Ahmed, seeking bail in connection with Lanka P.S. Case No. 97/2014 under Sections 448/376/511/325 of the IPC (Corresponding to Case No. Session(2) 134(H)/2021).

3. It is submitted that the petitioner was shown as an accused in the charge-Sheet No. 277/2015 dated 31.10.2015 submitted by the I.O. in connection with Lanka P.S. Case No. 97/2014. Pursuant thereto, the competent Court took cognizance and summons were issued. The petitioner along with other accused persons appeared before the Court which was initially pending before the Sessions Judge, Nagaon. Subsequently, it was transferred to Sessions Judge, Hojai. The petitioner appeared before the Sessions Judge, Hojai before which the matter is presently pending.

4. It is submitted by the learned counsels for the parties that the petitioner has been appearing before the Competent Court on each and every date and on the date when he could not appear, his counsel has taken steps. However, 11.04.2023, the petitioner did not appear nor his counsel took any steps. It is submitted that because of communication gap, his counsel could not take steps and accordingly, the competent Court issued NBWA. Pursuant thereto, he was taken into custody and produced before the competent Court on 03.06.2023. The learned counsel for the petitioner submits that the next date fixed is on 23.06.2023 for remand and evidence. It is submitted that he has regularly appeared before the Court on each and every date, however, because of reasons beyond his control and because of communication gap between him and his counsel on one date which is 11.04.2023, the petitioner did not appear nor did his counsel take steps. Subsequently, the Court issued NBWA.

5. Ms. S.H. Borah, learned Addl. PP submits that matter is fixed on 23.06.2023, the petitioner be directed to appear before the Competent Court and contest the trial.
6. Having heard the learned counsels for the parties, this Court is of the view that the petition can be disposed of at this stage with a direction to the petitioner to appear before the Sessions Judge, Hojai.
7. This Court is of the view that since the petitioner has continued to appear on every dates as is evident from the order sheet enclosed to the petition, the order dated 11.04.2023 is interfered with and the petitioner is directed to be released on bail subject to furnishing suitable surety as to the satisfaction to the Session Judge, Hojai on which the matter is next fixed, which is 23.06.2023.
8. The petitioner will be at liberty to make further application before the Competent Court and on such application being made, appropriate orders will be passed by the Competent Court on its own merits.
9. The bail application stands allowed and disposed of.

JUDGE

Comparing Assistant