

GAHC010195972023



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

Case No. : Crl.Pet./927/2023

JITU KRISHNA BORAH AND ANR.
S/O HARENDRA BORAH R/O VILL. JIAMARIA P.O. AND P.S
DHAKUAKHANA DIST. LAKHIMPUR ASSAM

2: RUBI BORGOHAIN
D/O LT. NABIN BORGOHAIN R/O VIL. AMULAPTTY P.O. AND P.S
DHAKUAKHANA DIST. LAKHIMPUR ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

08.09.2023

Heard Mr. A. Khanikar, learned counsel for the petitioners. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State of Assam.

The petitioners are accused in connection with Dhakuakhana P. S. Case No. 281/2021 corresponding to PRC Case No. 63/2022. The petitioners approached this Court during the investigation by filing an application under Section 438 of the Cr.P.C. apprehending arrest. Accordingly this Court under its order dated 05.01.2022 passed in AB/6/2022 granted interim protection to the petitioners.

Before the bail application could be finally decided, charge-sheet was filed. Accordingly, this Court under its order dated 31.03.2022 disposed of the aforesaid bail application providing that the interim order passed earlier on 05.01.2022 shall continue till appearance of the petitioners before the learned Court below within a specified period.

Subsequently, NBWA was issued by the learned Sub Divisional Judicial Magistrate (M), Dhakuakhana in PRC Case No. 63/2022 against the petitioners by an order dated 18.03.2023. The said order was assailed by the petitioners in Criminal Petition No. 365/2023 and this Court under its order dated 25.04.2023, disposed of the criminal petition with a direction that the petitioners shall appear before the learned Court of Sub Divisional Judicial Magistrate (M), Dhakuakhana on 03.05.2023 and on their appearance, the NBWA issued on 18.03.2023 shall be recalled.

It is stated that the petitioners could not appear on 18.03.2023 and again on 17.06.2023 due to their illness, however, such prayer of the petitioners were rejected and again, NBWA was issued.

Considering the matter in entirety including the fact that in the meantime, the charge sheet has been filed and the petitioners were granted interim bail during the investigation and the NBWA issued earlier was also recalled by this

Court, it is provided that the petitioners shall appear before the learned Court of Sub Divisional Judicial Magistrate (M), Dhakuakhana and on their appearance, the petitioners be released on bail in connection with the case aforementioned, on their furnishing a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate (M), Dhakuakhana, with the following conditions:-

- (a) Shall appear before the learned trial Court each and every date as fixed by the learned Court below.

The NBWA issued vide order dated 18.03.2023 by the learned Court of Sub Divisional Judicial Magistrate (M), Dhakuakhana is hereby recalled.

Accordingly, this criminal petition stands disposed of.

JUDGE

Comparing Assistant