

GAHC010206362023



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

Case No. : Bail Appln./3244/2023

AMIT PRADHAN
S/O ARUN KUMAR PRADHAN
PRESENTLY RESIDING AT TALTOLA
KALITAKUCHI,
P.O. AND P.S. SATGAON
DIST. KAMRUP (M), ASSAM
PIN-781027

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 15.09.2023

Heard Mr. S. Sarma, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Satgaon P.S. Case No. 92/2023, under Sections 456/294/354/ 354(B)/326/379/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Sarma, that the accused is behind the bar since the date of his arrest, i.e. on 18.05.2023, and the case is already Charge-Sheeted against him along with others. Though initially the case was registered under Sections 456/294/354/354(B)/326/379/34 of the Indian Penal Code, but subsequently Section 379 of the Indian Penal Code was also added against the present accused/ petitioner. From the orders passed by the learned Sessions Judge as well as the learned JMFC, it is seen that after committing the case before the learned Sessions Judge, it was again remanded back before the learned JMFC with a direction to commit the case after completion of the appearance of all the accused persons. But, till date, the case is yet to be committed before the learned Sessions Judge and the same is still pending before the learned JMFC. Accordingly, it is submitted that from the entire order sheets, it is seen that further time may be required for committing the case record and accordingly, considering the length of detention, it is prayed to release the accused on bail.

The learned Additional Public Prosecutor, Ms. Bora, has submitted in this regard that Section 376 of the Indian Penal Code is subsequently added against the present petitioner considering the materials in the Case Diary as well as considering the prayer of the I.O. and hence, at this stage, the bail should not

be considered as there may be probability of absconding of the accused/petitioner.

At this later stage, the learned counsel for the petitioner has submitted that the case has already been committed before the learned Sessions Judge yesterday only and at present the same is pending before the learned Sessions Judge.

Considering the above aspect of the case, I do not find it appropriate to pass any order on bail and therefore, I find it not a fit case to extend the privilege of bail to the accused/petitioner and accordingly, the same stands rejected. However, the petitioner is hereby directed to file a fresh petition for bail before the learned Sessions Judge, which will be considered by the learned Court below in accordance with law.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant