

GAHC010211312023



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

Case No. : AB/3231/2023

AYMANA BEGUM @ AIMONA KHATUN
WIFE OF NURUL ISLAM, RESIDENT OF BANGALIPARA, POLICE STATION-
BARPETA, DISTRICT- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTORS

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 20-09-2023

1. Heard Mr. M Ahmed, learned counsel for the applicant. Also heard Ms. S H Bora, learned Addl. PP, Assam.
2. By this application under Section 438 Cr.P.C., the applicant, namely, ***Aymana Begum @ Aimona Khatun*** has filed an application under section 438 Cr.P.C., with prayer for pre arrest bail

who is apprehending arrest in connection with Barpeta PS Case No.14/2022 under sections 143/147/148/120(B)/302 IPC.

3. The applicant earlier approached this court by filing an anticipatory bail application being AB No.1568/2022. This court under its order dated 16.11.2022 has dismissed the anticipatory bail application in view of the fact that already charge sheet has been filed, however a further direction was issued to the applicant to appear before the learned court below within 10 (ten) days and seek regular bail if so advised. It was further provided that if such bail application is filed, the same shall be disposed of in accordance with law.

4. Prior to the aforesaid order, this court under its order dated 10.06.2022 granted interim protection to the applicant subject to the condition that she will appear before the investigating authority within 7 (seven) days.

5. The learned counsel for the applicant submits that the applicant pursuant to order dated 10.06.2022 has already appeared before the I/O and recorded her statement, however, the learned counsel for the applicant submits that in view of the miscommunication between the applicant and her earlier counsel she did not appear before the learned court below within a period of 10 (ten) days as provided under order dated 16.11.2022, however, she is ready and willing to cooperate in the process of trial.

6. Therefore the learned counsel submits that the applicant may be granted further 10 (ten) days time to appear before the court and till then, she may be protected.

7. Considered the submissions advanced by the learned counsel for the parties, this court is of the view that if the applicant had in terms of the interim order dated 10.06.2022 already appeared before the I/O and recorded her statement and charge sheet has already been filed, there shall be no necessity of any custodial detention of the applicant.

8. Therefore considering the matter in its entirety, this Court provides that the applicant is granted further 10 (ten) days time to appear before the committal court and file regular bail application. On such application being filed, the learned Magistrate shall consider the same and pass necessary order in accordance with law and in terms of the observations made in the petition.

9. In the aforesaid terms, the instant application stands disposed of.

JUDGE

Comparing Assistant