

GAHC010215782023



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

Case No. : Bail Appln./3516/2023

SALU @ SALAMUDDIN
S/O LATE ABDUL ALI
R/O VILL- SINGITOLI
P.S. TEZPUR
DIST. SONITPUR
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MD. I HUSSAIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

09.11.2023

Heard Mr. I. Hussain, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Salu @ Salamuddin, who has

been detained behind the bar since 02.08.2023 (since last 98 days) in connection with Sessions Case No. 203/2023 pending before the Court of learned Sessions Judge, Sonitpur corresponding to Chariduar P.S. Case No. 168/2015 under Sections 406/34/302/201/392 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has never received any summons from the learned Committal Court and he was directly arrested on 02.08.2023 whereas he was all along available in his residence. It is submitted by the learned counsel for the petitioner that the name of the present petitioner is shown as Salu in the charge sheet and his father name is shown as unknown and therefore, he never receives summons from the learned Committal Court.

4. The learned Additional Public Prosecutor, Assam submits that the present petitioner was shown as an absconder in the charge sheet and due to non cooperation by the present petitioner, the case which was instituted in the year 2015 is pending for so long and accordingly has opposed the grant of bail to the present petitioner.

5. I have considered the submissions made by the learned counsel for both the sides and have perused the scanned copy of the case records of GR Case No. 3203/2015 as well as the scanned copy of the case records of Chariduar Police Station Case No. 168/2015. On perusal of the case records, it appears that the present petitioner was shown as absconder in the charge sheet and initially summons was issued by the learned Committal Court to the petitioner. However, it transpires from the record that on 11.08.2022 non-bailable warrant of arrest has issued against the present petitioner without receiving any service report as regards the summons issued to the present petitioner which shows that the petitioner did not receive any summons issued by the learned

Committal Court.

6. Considering this fact as well as considering the fact that the present petitioner has been detained behind the bar since last 98 days and is ready to cooperate his trial. Therefore, his further custodial interrogation may not be necessary if he cooperate in his trial for fair completion of the trial in this case.

7. In view of the above, the accused, namely, Md. Salu @ Salamuddin is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Sessions Judge, Sonitpur, who may add or invoke any other additional bail condition before accepting the bail bond.

8. With the above observations, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant