

GAHC010263422023



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

Case No. : Bail Appln./4289/2023

KHAIRUL AMIN @ JOON
S/O- ABED ALI, R/O- HOWLY TOWN, W/NO. 1 NEAR HOMA SCHOOL, P.S.
HOWLY, DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 24-11-2023

Heard Mr. A. Ali, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Khairul Amin @ Joon, who has

been detained behind the bars since 27.10.2023.

Learned counsel for the petitioner has submitted that on the basis of an FIR filed by one Manoranjan Singh on 13.10.2019 before the In-Charge of Pathsala Police Out-Post, under Patacharkuchi Police Station and investigation was started and after completion of the investigation charge-sheet was laid on 08.11.2021 against 5(five) accused persons including the present petitioner showing the present petitioner as an absconder.

It is further submitted that the learned Committal Court after receipt of the charge-sheet had issued summons to the present petitioner, however, as he could not arrange bailor, he could not appear before the learned Committal Court personally and engaged a counsel. The learned Committal Court did not accept the prayer of the petitioner at that time and issued non-bailable warrant of arrest against the present petitioner.

It is further submitted by the learned counsel for the petitioner that against the issuance of warrant of arrest the petitioner had earlier preferred a criminal petition before this Court and the warrant of arrest against the present petitioner was kept in abeyance by this Court by its order dated 13.10.2023 passed in the said Criminal Petition.

Thereafter, the present petitioner, on 27.10.2023, appeared before the learned Committal Court, however, as the offence involved in the case entails Punishment for life, learned Committal Court rejected the prayer for bail of the present petitioner and remanded him to custody.

Learned counsel for the petitioner has submitted that he is ready to face trial and as the investigation has been completed, there is no necessity of keeping the present petitioner behind the bars during the pendency of the trial.

Learned Additional Public Prosecutor also fairly submits that if the

petitioner co-operates in his trial, his custodial detention may not be justified.

Considering the submissions made by learned counsel as well as considering facts of this case, the petitioner, Khairul Amin @ Joon, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Bajali before whom the PRC Case No. 447/2021 is pending.

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

JUDGE

Comparing Assistant