

GAHC010025882024



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

Case No. : AB/364/2024

SHAHIDUR RAHMAN @ SHAHIDUL ALI
S/O YACHIN ALI
R/O VILL- KHABLAR BHITHA
P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.04.2024

- 1)** Heard Mr. N. Ahmed, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.
- 2)** This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioner, namely, Shahidur Rahman @

Shahidul Ali, who is apprehending his arrest in connection with PRC Case No. 1470/2022 pending before the Court of learned Chief Judicial Magistrate, Barpeta.

3) Learned counsel for the petitioner has submitted that the petitioner has received the summons from the Court of Chief Judicial Magistrate, Barpeta, however he apprehends that as the offence involved in this case is sessions triable i.e. Section 366A of the Indian Penal Code, he may not be granted bail by the Committal Court on his appearance before the said Court.

4) I have heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

5) It appears that the petitioner has received summons from the committal Court and it also appears that one of offence involved in this case is under Section 366A of the Indian Penal Code, for which the maximum punishment is upto 10 years and therefore there is no embargo under Section 437 of the Code of Criminal Procedure, 1973 granting bail to the petitioner by the Committal Court, hence, the apprehension of the present petitioner that he shall be arrested on his appearance does not have any basis.

6) This anticipatory bail application is therefore dismissed.

7) However, the dismissal of anticipatory bail application would not preclude the Court of learned Chief Judicial Magistrate to decide the bail application, if any, filed by the present petitioner on his appearance before the such Court on its own merit.

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

JUDGE

Comparing Assistant