

GAHC010037662024



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

Case No. : AB/469/2024

JISHU NATH
S/O SRI NARAYAN NATH
R/O VILLAGE - PURABHARAL, P.O. - BARPETA, P.S. - GOBARDHONA, DIST.
- BAKSA, ASSAM - 781316.

VERSUS

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

Advocate for the Petitioner : MR B PRASAD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

10.04.2024

Heard Mr. B. Prasad, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner namely Sri Jishnu Nath, who is apprehending arrest in connection with PRC Case No. 613/2021 under Sections 420/366/376/379 of IPC pending before the Sub-Divisional Judicial Magistrate (S), Barpeta corresponding to Howly P. S. Case No. 319/2020/G.R. Case No.3564/2020.

It is submitted by the learned counsel for the petitioner, Mr. Prasad that the FIR has been lodged with some false and concocted allegation. However, the accused/petitioner admitted the fact that he was in love affair with the informant. But, he was not aware about filing of the FIR and the police never searched for him during the entire investigation of the case. Thus, he came to know about the case only after receipt of summon. After receiving summon, he appeared before the learned Court below through his engaged counsel with the petition for bail which was rejected and hence, the present petition has been filed before this Court praying for pre-arrest bail. Further, the accused/petitioner is ready and willing to appear before the learned Court below and face the trial, if he is granted with some interim protection.

In this context, Mr. Das, learned Additional Public Prosecutor has submitted that though there may be love relationship between the petitioner and informant, but, there are some other allegation has been brought against the accused/petitioner in the FIR. More so, he submits that he never co-operated the IO in the entire period of

investigation for which he was shown as absconding. Hence, considering the conduct of the petitioner, he may be directed to appear before the Court with a prayer for regular bail.

Considering the submissions of learned counsels of both sides and also considering the entire facts and circumstance of the case, I hereby direct the petitioner to appear before the learned Court below within 10 (ten) days from today and to file a fresh petition for regular bail and upon filing of such petition, the learned Court below shall consider and dispose of the same in accordance with law. And, till his appearance, no coercive action shall be taken against the accused/petitioner. Further, the execution of NBWA, issued against the petitioner, stands stayed/suspended, if any.

With the above observation and direction, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant