

GAHC010094992024



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

Case No. : AB/1244/2024

RUPJYOTI SARMA
S/O KAYLASH CHANDRA SARMA
VILL-NIZ NAMATI
P.S. TIHU
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS G DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.05.2024

Heard Ms. G. Deka, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with PRC Case No. 15/2024, under Section 498(A)/313/506/294/ 34 of the Indian Penal Code, pending before the Court of learned Judicial Magistrate First Class, Tihu, arising out of Tihu P.S. Case No. 83/2022.

It is submitted by Ms. G. Deka, learned counsel for the petitioner, that the case has already been Charge-Sheeted against the present accused/petitioner under Sections 498(A)/ 313/506/294/34 IPC showing him as an absconder. However, after the lodging of the F.I.R., the both the accused/petitioner and victim amicably settled the matter and at present, they are living happily as husband and wife. He was not aware about the pendency of this case and for which he could not appear before the I.O. as the police never searched for him during the investigation of the case. However, he is ready and willing to appear before the learned Court below as and when the date is fixed if he is granted with some protection.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that only summons have been issued against the present accused/petitioner. However, he may be directed to appear before the learned Court below with an appropriate application for bail which may be considered in accordance with law.

Considering the submissions made by the learned counsels for both sides

and also considering the submission made by the learned counsel for the petitioner that the matter has already been compromised, I hereby direct the present accused/ petitioner to appear before the learned Court below on or before the next date fixed with an appropriate application for bail which may be considered in accordance with law.

However, no coercive action shall be taken against the accused/petitioner till 21.05.2024, i.e. the next date fixed by the learned Court below.

In terms of above, this anticipatory bail application stands disposed.

JUDGE

Comparing Assistant