

GAHC010107932024



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

Case No. : AB/1430/2024

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

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS G DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.06.2024

Heard Ms. G. Deka, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State respondent No.1 and Mr. S. Buragohain, learned counsel for the respondent No.2.

This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner in connection

with PRC Case No. 15/2024 under Sections 498 (A)/313/506/294/34 of Indian Penal Code which is pending before the Court of learned Judicial Magistrate 1st Class, Tihu.

It is submitted by the learned counsel for the petitioner, Ms. Deka that the present petitioner was shown as absconder in the charge-sheet, however, after lodging of the FIR, the petitioner and the victim had settled their dispute amicably and they are living happily as a husband and wife. She further submitted that the petitioner was not aware about the pendency of the case for which he could not appear before the IO and the police never searched for him, during the pendency of the case. After coming to know about the filing of the charge-sheet showing him as absconder, he appeared before this Court by filing an anticipatory bail application, i.e. AB Case No.1244/2024 passed on 17.05.2024, whereby, he was asked to appear before the Trial Court with an appropriate application for bail and till his appearance an interim protection was also given to him. But, when he filed application for regular bail, the learned Trial Court rejected the same stating that this Court has not passed any specific order for granting bail to the present accused petitioner. Accordingly, present subsequent anticipatory bail application has been preferred by the petitioner seeking for pre-arrest bail.

In this context, Mr. Baruah, learned Additional Public Prosecutor, has raised no objection, if the accused/petitioner is granted with some interim protection.

On the other hand, Ms. Buragohain, learned counsel for the respondent No.2 has submitted that the matter has already been settled amicably between the parties and they are living peacefully as husband and wife and hence, she

has no objection, if the accused/petitioner is granted with the privilege of pre-arrest bail.

Considering the submissions made by the learned counsels of both sides as well as considering the fact that the matter has been compromised between the parties, I hereby direct the accused/petitioner to appear before the learned Court below on the next date fixed with an appropriate application for bail which may be considered in accordance with law.

However, till his appearance before the learned Court below, it is provided that in the event of arrest of the accused/petitioner, namely, Rupjyoti Sarma, in connection with PRC Case No. 15/2024 under Sections 498 (A)/313/506/294/34 of Indian Penal Code pending before the Court of learned Judicial Magistrate 1st Class, Tihu, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority.

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

JUDGE

Comparing Assistant