

GAHC010111622024



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

Case No. : AB/1464/2024

RUHUL AMIN @ RUFUL AMIN
S/O ABDUL RAHMAN, R/O VILL- AKABASTI, P.S.-CHARIDUAR, P.O.-
BALIPARA, DIST- SONITPUR, PIN-784101

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z ALAM, MR. T SARMA, MR. S K DAHAL, R ISLAM, MS. S NAZNEEN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 27.08.2024

Heard Mr. Z. Alam, the learned counsel appearing for the petitioner as well as Mr. P. Borthakur, the learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 438 of the Cr.P.C. praying for grant of pre-arrest bail in respect of PRC Case No. 252/2023 pending in the court of learned Judicial Magistrate

1st Class, Gohpur arising out of Gohpur P.S. Case No.256/2019

3. The petitioner has been shown as an absconder in the charge sheet filed u/s 395 of the Indian Penal Code. The bailable warrant of arrest was issued against the petitioner which was executed by the court below. After that, non bailable warrant of arrest was issued against him. The petitioner has apprehension that if he appears in connection with Gohpur P.S. Case No. 256/2019, he shall be remanded to custody, because the Judicial Magistrate 1st Class has no jurisdiction to grant bail in a session's triable case.

4. I have considered the submissions made by the learned counsels of both sides.

5. Since the petitioner wants to face the trial, he should be given one opportunity. Therefore, the prayer made by the petitioner is allowed.

6. The petitioner, Ruhul Amin @ Riful Amin is directed to appear before the Court below on 06.09.2024. On his appearance, the petitioner shall file an application for regular bail.

7. Till 06.09.2024, it is hereby directed that in the event of arrest in connection with Gohpur P.S. Case No. 256/2019, the petitioner Ruhul Amin @ Riful Amin shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Gohpur.

8. The bail application stands disposed of.

The case diary shall be returned.

JUDGE

Comparing Assistant