

GAHC010128262024



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

Case No. : Bail Appln./1846/2024

JAYDEEP SINGH
S/O LT. JAMINI PRASAD SINGH
R/O PRAKRITIS ABODE, FLAT NO. 403, PUBERUN PATH, FOREST GATE
NEAR AMRIT UDYAN, HENGRABARI, GUWAHATI, P.O. AND P.S. DISPUR
DIST. KAMRUP (METRO), ASSAM
PIN-781006

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T N DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

26.06.2024

1. Heard Mr. T.N. Das, learned counsel for the petitioner and also heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Jaydeep Singh, who has been detained behind the bars since 20.05.2024 (for last more than 1 month) in connection with G.R. Case No. 6279/2015.
- 3.** The learned counsel for the petitioner has submitted that the petitioner was arrested on strength of the non-bailable warrant of arrest issued by the Court of learned Judicial Magistrate First Class, Kamrup(M), Guwahati.
- 4.** The learned counsel for the petitioner has submitted that the petitioner had also filed an application under Section 439 of the Code of Criminal Procedure, 1973 before the Court of learned Additional Sessions Judge (FTC) No. 4, Kamrup (M), Guwahati which, was rejected by the said Court on the ground that the plea taken by the petitioner of having communication gap between engaged counsel is considered to be a lame excuse.
- 5.** The learned counsel for the petitioner has submitted that he could not appear before the Court of learned Judicial Magistrate First Class, Kamrup(M), Guwahati, where the G.R. Case No. 6279/2015, is pending as during Covid-19 period, he lost touch with his engaged counsel and he was not aware about the date fixed by the Trial Court.
- 6.** The learned counsel for the petitioner has submitted that the petitioner is ready to face the trial and shall co-operate in the trial.
- 7.** I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record.
- 8.** Considering the materials available on record, it appears that the Trial Court had issued non-bailable warrant of arrest to the petitioner, as he defaulted in appearing before the said Court. However, the cause shown by the petitioner in his bail application as well as the assurance given by the learned counsel for

the petitioner that he shall co-operate in his trial and shall not default henceforth.

9. This Court is of the considered opinion that further custodial detention of the petitioner may not be necessary for fair completion of the trial.

10. Hence, the above-named petitioner is allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Kamrup(M), Guwahati, before which G.R. Case No. 6279/2015 is pending.

11. With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant