

GAHC010137552024



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

Case No. : AB/1774/2024

KAMAL UDDIN AND 4 ORS.

S/O ACHAR ALI,

VILL.- GUDAMGHAT GAON, P.S.- CHARIDUAR, P.O.- GUDAMGHAT, DIST.-
SONITPUR, ASSAM, PIN- 784102

2: ALAL UDDIN
S/O ACHAR ALI

VILL.- GUDAMGHAT GAON
P.S.- CHARIDUAR
P.O.- GUDAMGHAT
DIST.- SONITPUR
ASSAM
PIN- 784102.

3: MAINUL ISLAM
S/O ACHAR ALI

VILL.- GUDAMGHAT GAON
P.S.- CHARIDUAR
P.O.- GUDAMGHAT
DIST.- SONITPUR
ASSAM
PIN- 784102.

4: ENAMUL HUSSAIN @ IMANUL HAQUE
S/O ALAL UDDIN

VILL.- GUDAMGHAT GAON
P.S.- CHARIDUAR
P.O.- GUDAMGHAT
DIST.- SONITPUR
ASSAM
PIN- 784102

5: JYOTSNARA BEGUM
W/O KAMAL UDDIN

VILL.- GUDAMGHAT GAON
P.S.- CHARIDUAR
P.O.- GUDAMGHAT
DIST.- SONITPUR
ASSAM
PIN- 78410

VERSUS

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

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

11.07.2024

Heard Ms. A. Borah, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State respondent.

The present application has been instituted by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has prayed for pre-arrest bail in connection with Chariduar P.S. Case No. 191/2023, registered under Section 143/325/379/307 IPC corresponding to PR Case No. 134/2024 pending before the Court of the learned CJM , Sonitpur, Tezpur.

As revealed from the materials brought on record, the police on completion of investigation had submitted charge-sheet in PR Case No. 134/2024 on 31.01.2023 against the petitioner herein and the petitioner herein is shown as an absconder. The petitioner had moved an application under Section 438 Cr.P.C before the learned Addl. Sessions Judge (FTC), Sonitpur, Tezpur and the same after

consideration was rejected vide order 27.05.2024 requiring the petitioner herein to appear before the trial Court. However, apprehending arrest the present proceedings have been instituted.

On consideration of the submission made in the matter by the learned counsel for the parties, this Court is of the view that as the charge-sheet has already been filed in the matter, the apprehension of the petitioner that he may be arrested is without any basis inasmuch as no further custodial interrogation would be called for in the matter. However, the petitioner must satisfy the learned trial Court that he would not evade from the proceedings of the trial and would be participating in the trial on regular basis.

Accordingly, in view of the above position, this Court is hereby directs the petitioner to approach the learned trial Court with an appropriate application praying for bail and on such application being filed the learned trial Court shall consider the same on merits and dispose of the same in accordance with law. However, if the petitioner is granted bail, the same should be with conditions ensuring the participation of the petitioner in the trial proceedings.

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

JUDGE

Comparing Assistant