

GAHC010143552024



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

Case No. : AB/1868/2024

RAKHIBUL MONDAL @ BHELU AND 2 ORS.
S/O NAJIM MONDAL @ NAJIM BEPARI, VILL- KAKRIPARA PT.I
(BEPARIPARA), P.S.-MANKACHAR, DIST-SOUTH SALMARA MANKACHAR,
ASSAM, PIN-783136

2: HASEN ALI
S/O SHAHEB HOSEN
VILL- KAKRIPARA PT.I (BEPARIPARA)
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-783136

3: JOSEB HUSSAIN @ JOSEF MIAH
S/O LT. ASHRAFUL HOQUE @ ASHAFUL
VILL- KAKRIPARA PT.I (BALURCHAR)
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-78313

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

29.07.2024

Heard Mr. P. K. Roychoudhury, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This application, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, praying for grant of pre-arrest bail to the accused/petitioner in connection with Mankachar P. S. Case No. 696/2019 under Sections 120 (B)/147/148/326/302 of IPC (corresponding to G.R. Case No. 917/2019 and PRC Case No.1493/2023).

It is submitted by the learned counsel for the petitioner, Mr. Roychoudhury, that the petitioner is innocent and not involved in the alleged offence. It is submitted that the case has already been charge-sheeted, and accordingly the PRC Case No. 1493/2023 corresponding to G.R. Case No. 917/2019 has already been registered showing the present petitioner as an absconder. He further submitted that that the petitioner is ready and willing to appear before the learned Trial Court to face the trial on each and every date fixed, if he is granted the privilege of interim pre-arrest bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that it is a fact that the accused/petitioner is shown as an absconder in the charge-sheet. Thus, at this stage, he submitted that the petitioner may be directed to appear before the trial court by filing a proper application for bail.

Considering the submissions of learned counsels for both sides and also considering the fact that the case has already been Charge-Sheet, I do not find it appropriate to pass any order on bail at this stage. However, the petitioner is at liberty to file a fresh petition for bail before the learned Trial Court. Upon filing such a petition, the said court shall consider it in accordance with the law.

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

JUDGE

Comparing Assistant