

GAHC010145262024



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

Case No. : AB/1885/2024

PRAJIT GHOSH @ PILOT GHOSH @ PRADIP GHOSH AND ANR.
S/O LATE GIRINDRA CHANDRA GHOSH
VILL- NATUNPARA, WARD NO. 16, P.O., P.S. AND DIST. BONGAIGAON

2: SUBRATA SINGHA @ SATYA SINGHA
S/O LATE LAL MOHAN SINGHA
R/O RAILWAY QUARTER NO. E/1/B WEST COLONY
P.O. NEW BONGAIGAON
DIST. BONGAIGAON

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T SK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.07.2024

Heard Mr. Dillip Dey, learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. Public Prosecutor, Assam, appearing on behalf of the State respondent.

This is an application under Section 482 BNSS, 2023, seeking pre-arrest bail by the petitioners namely **(1) Prajit Ghosh @ Pilot Gosh @ Pradip Ghosh and (2) Sri Subrata Singha @ Satya Singha** in connection with Bongaigaon P.S. Case No. 423/2023 under Sections 384/506 IPC.

It is submitted by Mr. Dey, the learned counsel for the petitioners that the case has already been charge sheeted under Sections 304/ 506 IPC and presently the case is pending before the Court of the learned Addl.CJM, Bongaigaon and the case has been registered as PRC Case No. 104/2024, which is fixed for appearance on 06.08.2024 in the trial court. The summons have been issued against the present petitioners. However, the petitioners are apprehending of arrest in connection with this case. Hence, the present petition has been filed seeking pre-arrest bail.

Mr. Borthakur, learned Addl. P.P. has submitted that the present accused/ petitioners are not shown as absconders in the charge sheet and the learned trial court issued summons to the present petitioners for appearance and accordingly, they may appear before the trial court with an appropriate application seeking appropriate relief.

Upon hearing the submissions of the learned counsel for the parties and on perusal of the case record, it is seen that summons was issued against the present petitioners asking them to appear before the learned Addl. Chief Judicial Magistrate, Bongaigaon on 06.08.2024. However, a copy of the charge sheet has been annexed with the present petition, from which it is seen that the petitioners has cooperated with the I.O. in the investigation and appear before the I.O. after receiving the 41(i)(a) Cr.P.C. notice. Hence, there is no question of apprehension of arrest of the petitioners in connection with this case.

Hence, I do not find it proper to extend the benefit of pre arrest to the petitioners. Accordingly, the petitioners are directed to appear before the Court of the learned Addl. Chef Judicial Magistrate, Bongaigaon with an appropriate application, which may be considered in accordance with law.

With the above observations, the bail application is disposed of.

JUDGE

Comparing Assistant