

GAHC010151492024



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

Case No. : AB/1991/2024

DHARMENDRA BORAH
S/O SRI CHIRANJIB BORAH
RESIDENT OF BATIAMARI PGR, P.O. - BATIAMARI, P.S.- BEHALI, DISTRICT
- BISWANATH, ASSAM

VERSUS

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

Advocate for the Petitioner : MR H BARUAH, MR P P PHUKAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

05.08.2024

Heard Mr. H Baruah, learned counsel for the petitioner as well as Mr. K K Porasor, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS praying for pre-arrest bail by the petitioner, namely, Sri Dharmendra Borah, in connection with Behali P.S. Case No. 34/2024 registered under Sections 326/307 of the IPC.

The petitioner was charge-sheeted under sections 326/307 of the IPC. He approached the court of the Sessions Judge, Biswanath Chariali for seeking anticipatory bail because he had the apprehension that whenever he will appear before the court of the Magistrate before commitment of the case to the court of Sessions, he will be remanded to custody.

The court of Sessions Judge did not approve his bail prayer and directed him to appear before the court of the Magistrate. He did not appear before the Magistrate and approach this court.

I have considered the submission made by Mr. Baruah. Normally, a petition under Section 438 CrPC can be filed in the court of the Sessions Judge or before the High Court. Without approaching the court of Sessions, such a petition can be filed directly in the High Court. But, in the instant case, the petitioner was directed by a court of law to approach the trial court for seeking bail but he did not do so. In fact, the petitioner did not comply with the order of the court of Sessions at Biswanath Chariali.

Therefore, this court is of the opinion that the present petition filed before this court cannot be entertained and stands dismissed and disposed of accordingly.

JUDGE

Comparing Assistant