

GAHC010159242024



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

Case No. : Crl.Pet./957/2024

AMRIT RAY
S/O DHANANJAY RAY
R/O DEBOTTAR RAIPUR,
P.O. GERAMARI,P.S. GAURIPUR,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SUSHITRA BALA RAY
W/O BEDALA RAY
R/O DEBOTTAR RAIPUR

P.O. GERAMARI

P.S. GAURIPUR
DIST. DHUBRI
ASSA

Advocate for the Petitioner : MR. D GOGOI,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 12.08.2024

Heard Mr. G. Chamuah, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for setting aside and quashing the order dated 16.02.2024 passed by the learned Additional Sessions Judge cum Special Judge, POCSO, Dhubri in Special Case No. 161/2024.

3. The petitioner was shown as absconder in a Charge-Sheet filed under the provisions of POCSO Act. The petitioner wants to face the trial, but he apprehends that whenever he will appear before the Court, he will be remanded to custody because he was shown as an absconder in the Charge-Sheet.

4. I have considered the submissions made by the learned counsel for both the sides, since the petitioner wants to face the trial, his prayer is allowed. The impugned order dated 16.02.2024 passed by the learned Additional Sessions Judge cum Special Judge, POCSO, Dhubri in Special Case No. 161/2024 is set aside.

5. It is hereby directed that on his appearance before the Trial Court, he shall be released on bail of Rs.25,000/- with one surety of like amount with the satisfaction of the Trial Court.

6. With the aforesaid direction the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant