

GAHC010159512024



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

Case No. : Bail Appln./2364/2024

ASAD ALI MOLLAH
S/O MAJIBOR MOLLAH, R/O VILL- GORAIMARI, P.S.-BONGAIGAON, DIST-
BONGAIGAON (ASSAM), PIN-783390

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G CHAMUAH,

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 as well as D Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner, namely, Asad Ali Mollah, praying for release on bail, who was arrested in connection with Bongaigaon P.S. Case No. 120/2024 under section 380

and added Section 413 of the IPC pending before the learned Chief Judicial Magistrate, Bongaigaon.

After the petitioner was arrested in connection with the case aforesaid, on 19.06.2024, the learned Sub Divisional Judicial Magistrate (M), North Salmara at Abhayapuri allowed the bail prayer of the petitioner and accordingly, he was allowed to go on bail by furnishing a bail bond of Rs.50,000/- with two suitable surety. In the meantime, Police had added Section 413 of the IPC in the said case. Therefore, when the petitioner submitted bail bond, the learned Chief Judicial Magistrate, Bongaigaon refused to accept the bail bond on the ground that Section 413 IPC is a sessions triable case and the Magistrate does not have the power to entertain such a bail application.

After investigation, Police filed chargesheet against some other persons not against the present petitioner.

Considering the circumstances of this case, the learned Chief Judicial Magistrate, Bongaigaon is directed to accept the bail bond of the petitioner aforementioned so that he can be released from jail.

The bail application is disposed of.

JUDGE

Comparing Assistant