

GAHC010160322024



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

Case No. : Crl.Pet./950/2024

KAMAL NATH @ KAMAL CH NATH @ ARUP DAS @ ANKU NATH
S/O- LATE BANSHIDHAR NATH,
R/O- VILLAGE HABI BORANGABARI,
P.S- MIKIRBHETA, DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MS TINLUNG, D R TALUKDAR, MR. B R DAS, MR. DITUL DAS, MR. K MEDHI, MR A TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

13.08.2024

Heard Mr. D Das, learned counsel for the petitioner as well as Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by the petitioner, namely, Kamal Nath @ Kamal Ch. Nath @ Arup Das @ Anku Nath,

challenging the orders dated 21.11.2023, 02.05.2024 and 26.06.2024 passed by the learned Sessions Judge, Nagaon in Sessions T2 Case No. 163/2023 under Sections 10/13 of the Unlawful Activities (Prevention) Act, 1967, corresponding to PRC No. 1142/2017 arising out of Nagaon P.S. Case No. 588/2007, whereby Non Bailable Warrant of Arrest (NBWA) has been issued against the petitioner.

On receiving summons from the court of the learned Chief Judicial Magistrate, Nagaon, the petitioner was allowed to go on bail on his appearance. Thereafter, the case has been committed to the court of the learned Sessions Judge, Nagaon. But, due to non-taking of steps and for non-appearance of the petitioner before the learned Sessions Judge, Nagaon, NBWA was issued against him.

Now, it is submitted before this court that although the petitioner is ready to appear before the court and to face the trial yet he is apprehending that if he appears before the court he may be remanded to custody.

Considering entire aspect of the matter, the prayer of the petitioner is allowed. Therefore, the orders dated 21.11.2023, 02.05.2024 and 26.06.2024 passed by the learned Sessions Judge, Nagaon in Sessions T2 Case No. 163/2023 under Sections 10/13 of the Unlawful Activities (Prevention) Act, 1967, whereby Non Bailable Warrant of Arrest (NBWA) has been issued against the petitioner, are set aside.

The petitioner is directed to appear before the learned Sessions Judge, Nagaon on 05.09.2024. On his appearance, the petitioner, namely, Kamal Nath @ Kamal Ch. Nath @ Arup Das @ Anku Nath, shall be allowed to go on bail by executing a bond of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Sessions Judge, Nagaon.

With the above, the criminal petition is disposed of.

JUDGE

Comparing Assistant