

GAHC010161822024



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

Case No. : AB/2115/2024

MOSTAFA ALI
S/O LATE JAMSER ALI
VILL- KHODARCHAR
SAGOLCHARA PT.I,
P.O. HOWRARPAR
P.S. DHUBRI
DIST. DHUBRI, ASSAM
PIN-783324

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MR S A BARBHUYAN, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.08.2024

Heard Mr. S. Das, the learned counsel appearing for the petitioner. Also heard Mr.R.R. Kaushik, the learned Additional P.P. for the State of Assam.

2. This is an application under Section 482 of BNSS, 2023 praying for pre-arrest bail in respect of PRC Case No. 4511/2022.
3. The petitioner has been charge-sheeted in a case under Sections 365/384/344/346 read with Section 34 of the said Code. The trial court issued non-bailable warrant of arrest against the petitioner. The petitioner apprehends that if he appears before the trial court, he will be remanded to custody because the court does not have the jurisdiction to entertain the bail application in a session's triable case.
4. Since the petitioner wants to face trial, therefore, his bail application is allowed.
5. It is hereby directed that on appearance of the petitioner before the court of the learned Chief Judicial Magistrate, Dhubri in connection with PRC Case No. 4511/2022, the petitioner, namely, Mostafa Ali shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri.
6. With the aforesaid direction, the bail application stands disposed of.

JUDGE

Comparing Assistant