

GAHC010195042024



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

Case No. : AB/2486/2024

HUNTI KALITA @ SONTI KALITA
S/O BHAGESWAR KALITA
R/O VILL- DIPUTA
P.S. TEZPUR
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R BARUAH,

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.09.2024

Heard Mr. R. Baruah, the learned counsel appearing for the petitioner. I have also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC in respect of PRC No.855/2024 arising out of Tezpur P.S. Case No.301/2024 (corresponding to G.R. No.777/2024).

3. The petitioner has been shown as an absconder in a *charge sheet* under Section 341/325/307 of the Indian Penal Code. After filing of the *charge sheet*, the learned Judicial Magistrate First Class, Tezpur issued summons to the petitioner.

4. Now, the petitioner apprehends that since the offences are triable by a court of Sessions, whenever he appears before the court of learned Judicial Magistrate First Class, he shall be remanded to custody because the court of Judicial Magistrate First Class does not have the jurisdiction to entertain bail application of the present petitioner.

5. The petitioner is interested in facing the trial.

6. Therefore, this Court is of the opinion that the petitioner deserves to be given a chance to face the trial.

7. It is hereby directed that on his appearance before the court of judicial Magistrate First Class, Tezpur, the petitioner Sri Hunti Kalita @ Sonty Kalita shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of learned Judicial Magistrate First Class, Sonitpur, Tezpur.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant