

GAHC010196202024



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

Case No. : AB/2570/2024

BABUL AHMED SADIOL
S/O LATE SUNGOL MIA SADIOL
R/O VILL- NARAINPUR PT. III,
P.O. HAILAKANDI
P.S. HAILAKANDI
DIST. HAILAKANDI, ASSAM
PIN-788152

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR B M DEKA, MR R.AHMED,MS LR KHANAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

24.09.2024

Heard Mr. B M Deka, learned counsel for the petitioner and Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023 by the petitioner, namely, Babul Ahmed Sadiol, praying for pre-arrest bail in connection with PRC Case No. 931/2019 arising out of

Hailakandi P.S. Case No. 329/2019.

The petitioner is already been involved in some cases with his wife. In such a case, when the wife went to file an objection, on that day, it is alleged that, the petitioner tried to snatch away her child from her custody. On that issue, there were some fisticuffs. The maternal uncle of the wife claimed to have injured.

Now, Police has filed charge sheet under section 307 of the IPC against the petitioner. The court of the learned Additional Chief Judicial Magistrate, Hailakandi issued summon to the petitioner.

The petitioner now apprehends that since the offence under section 307 IPC is a sessions triable offence and the court of the learned Additional Chief Judicial Magistrate does not have the jurisdiction to entertain his bail application, he will be remanded to custody.

Now, the petitioner has submitted that he intends to appear before the Court and participate in the trial. Therefore, this court is of the opinion that the petitioner deserves to given an opportunity to face the trial.

Accordingly, it is hereby directed that, on his appearance before the court of the learned Additional Chief Judicial Magistrate, Hailakandi in respect of PRC Case No. 931/2019, the petitioner, Babul Ahmed Sadiol, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Hailakandi.

The bail application is disposed of.

JUDGE

Comparing Assistant