

GAHC010198882024



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

Case No. : AB/2571/2024

JAKIR HUSSAIN
S/O NURUL AMIN @ NUR AMIN
R/O VILL- ITAPARA
P.S. SOLMARI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. A AHMED, MRS H AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

24.09.2024

Heard Mr. A Ahmed, 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, Jakir Hussain, praying for pre-arrest bail in connection PRC Case No. 1021/2019 arising out of Nagaon P.S. Case No. 1500/2009.

The petitioner has been chargesheeted showing him as an absconder in the year 2019. The charge

sheet shows that the offences are triable by the Court of Sessions. The court of the learned Chief Judicial Magistrate, Nagaon issued Warrant of Arrest against the present petitioner.

The petitioner now apprehends that since the offences are sessions triable and the court of the learned 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.

The learned Additional Public Prosecutor has objected the prayer of bail.

Accordingly, the impugned order dated 08.08.2024 directing issue of Warrant of Arrest by the Chief Judicial Magistrate, Nagaon against the petitioner, Jakir Hussain, is quashed and set aside.

On his appearance before the court of the learned Chief Judicial Magistrate, Nagaon on 22.10.2024 in respect of PRC Case No. 1021/2019 arising out of Nagaon P.S. Case No. 1500/2009, the petitioner, Jakir Hussain, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The bail application is disposed of.

JUDGE

Comparing Assistant