

GAHC010199002024



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

Case No. : AB/2568/2024

MD MAKBUL ALI
S/O LATIF ALI
R/O VILL- NO. 2 CHAPORABARI
P.S. MAZBAT
DIST. UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD. I HUSSAIN,

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

24.09.2024

Heard Mr. L.R. Mazumdar, the learned counsel appearing for the petitioner. Also heard Mr. Bankim Sarma, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC praying for granting pre-arrest bail in respect of PRC No.516/2024 pending in the court of learned Addl. Chief Judicial Magistrate, Sonitpur at Tezpur.
3. The petitioner has been shown as an absconder in a *charge sheet* filed under different sections of the Indian Penal Code including Section 333 of the said Code.
4. The Addl. Chief Judicial Magistrate issued non-bailable warrant of arrest against the present petitioner Md. Makbul Ali. The petitioner, now, submits that he intends to face the trial but apprehends that if he appears before the court of Addl. Chief Judicial Magistrate, he shall be remanded to custody as the said court does not have the jurisdiction to entertain his bail application.
5. I have considered the learned counsel of both sides.
6. Since the petitioner wants to face the trial, this Court is of the opinion that he should be given an opportunity to face the trial. Therefore, the application for bail of the petitioner is allowed.
7. It is hereby directed that on his appearance before the Addl. Chief Judicial Magistrate, Sonitpur at Tezpur in respect of PRC No.516/2024, the petitioner Md. Makbul Ali shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the Addl. Chief Judicial Magistrate, Sonitpur at Tezpur.

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

JUDGE

Comparing Assistant