

GAHC010202812024



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

Case No. : Crl.Pet./1212/2024

TIPU KHARAI @ SAT KHARAI @ SATSING KHARAI @ SATRA SING
KHORAI
S/O LATE MOHAN KHARAI
R/O VILL- RONGKHAISA
P.S. BAITHALANGSU
DIST. KARBI ANGLONG, ASSAM

VERSUS

STATE OF ASSAM AND ANR
REPRESENTED BY THE LEARNED PP, ASSAM

2:MISS. JARINA KHATUN
W/O MD. ABDUL KHALEK
R/O VILL- NELLIE BORPAYOK
P.S. JAGIROAD
DIST. MORIGAON
ASSA

Advocate for the Petitioner : MR S BORTHAKUR, MR P H KONWAR, MR K M BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30.09.2024

Heard Mr. S. Borthakur, learned counsel appearing for the petitioner and Ms. S.

H. Bora, learned Additional Public Prosecutor for the state of Assam/respondent No.1.

2. This is an application under Section 528 of the BNSS, 2023 challenging the orders directing issue of non-bailable warrant of arrest by the learned Additional Sessions Judge –cum- Special Judge, POCSO, Morigaon in respect of POCSO Case No. 48/2022 arising out of Jagiroad P.S. Case No. 79/2020.

3. The petitioner has been shown as an absconder in the charge-sheet. He now apprehends that if he appears before the trial court, he will be remanded to custody. The petitioner wants to face the trial.

4. I have gone through the statement of the victim girl recorded under Section 164 of the Cr.P.C.

5. I have considered the submission made by the learned counsels of both sides.

6. The prayer of the petitioner is allowed.

7. The orders directing issue of non-bailable warrant of arrest against the petitioner are set aside. It is also directed that the petitioner shall appear before the trial court on 29th of October, 2024.

8. On his appearance before the trial court, the petitioner, Tipu Kharai @ Sat Kharai @ Satsing Kharai @ Satra Sing Khorai shall be released on bail of Rs. 25,000/- to the satisfaction of the Special Judge, POCSO, Morigaon.

9. The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant