

GAHC010207272024



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

Case No. : AB/2659/2024

DANESH ALI
S/O HATEM ALI
VILL- PASCHIM ALADI, P.O. BHOGDIA, P.S. SARTHEBARI, DIST. BARPETA,
ASSAM, PIN-781305.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S ISLAM, MR. R ISLAM, MR S H MAHMUD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

01.10.2024

Heard Mr. S Islam, 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 praying for grant of pre-arrest bail in favour of the petitioner, namely, Danesh Ali, in connection with PRC Case No. 76/2024 pending in the court of the learned Additional Chief Judicial Magistrate, Kajalgaon, Chirang.

The petitioner has been shown as an absconder in the charge sheet filed under section

306 of the Indian Penal Code.

Now, it is submitted that the petitioner is interested in facing the trial. But, the petitioner apprehends that since the Court of the learned Additional Chief Judicial Magistrate, Kajalgaon, Chirang does not have the jurisdiction to entertain the bail application of the petitioner, he may be remanded to the judicial custody.

I have considered the submissions made by the learned counsel of both sides. Since the petitioner is interested in facing the trial, this court is of the opinion that the petitioner does not deserve to be detained in custody. Hence, the prayer for pre-arrest bail is allowed.

Accordingly, it is hereby directed that on appearance of the petitioner, Danesh Ali, before the learned Additional Chief Judicial Magistrate, Kajalgaon, Chirang in connection with PRC Case No. 76/2024, he 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, Kajalgaon, Chirang.

The bail application is disposed of.

JUDGE

Comparing Assistant