

GAHC010207372024



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

Case No. : Crl.Pet./1242/2024

AMIT BOR SAIKIA
S/O LATE HARENDRA BORSAIKIA
R/O 2 NO. KHEREMIA GAON
P.O. TINGRAI CHARIALI
P.S. DULIAJAN
DIST. DIBRUGARH, ASSAM

VERSUS

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

2:DHRUBA PRAKASH BAISHYA SI
S/O LATE HARIPAD BAISHYA
R/O VILL- DUMURIA
P.O. DUMURIA
P.S. PATACHARKUCHI
BAJALI
DIST. BARPETA
ASSAM
PIN-78136

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL, MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

03.10.2024

Heard Mr. S Islam, learned counsel for the petitioner and Mr. B Sharma, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS, 2023 by the petitioner, namely, Sri Amit Bor Saikia, in respect of PRC Case No. 79/2024 pending in the court of the learned Additional Chief Judicial Magistrate, Tinsukia.

The petitioner was shown as an absconder in the charge sheet. Therefore, Non-Bailable Warrant of Arrest was directed to be issued against the petitioner.

It is submitted that now the petitioner is interested in facing the trial. But, the petitioner apprehends that if he appears before the trial court and as charge sheet has been filed showing him as absconder, he might be remanded to the judicial custody by the trial court.

Since the petitioner is interested in facing the trial, this court is of the opinion that an opportunity should be given to him. Therefore, all the orders directed to be issued Non-Bailable Warrant of Arrest against the petitioner by the learned Additional Chief Judicial Magistrate, Tinsukia in PRC Case No. 79/2024 are recalled.

Accordingly, it is hereby directed that, on his appearance before the trial court in respect of PRC Case No. 79/2024, the petitioner Sri Amit Bor Saikia 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, Tinsukia.

With the above, the criminal petition is disposed of.

JUDGE

Comparing Assistant