

GAHC010211052024



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

Case No. : Crl.Pet./1253/2024

MUSSTT. RAHISA KHATUN
W/O LATE HABIBUR RAHMAN
R/O VILL- PACHIM BAGURI
P.S. HOJAI
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SALEHA BEGUM
W/O LATE HARIS ALI
R/O VILL- PACHIM BAGURI
P.S. HOJAI
DIST. HOJAI
ASSA

Advocate for the Petitioner : MD. A J ATIA, MS A H ATIA,MR. N HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04.10.2024

Heard Mr. AJ Atia, learned counsel appearing for the petitioner. Also heard Mr. RJ Baruah, learned Addln. Public Prosecutor for the state of Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the orders passed by the learned Sub-Divisional Judicial Magistrate (M), Sankardev Nagar, Hojai directing issue of non-bailable warrant of arrest against the petitioner in respect of PRC Case No. 320/2023.
3. The petitioner has been charge-sheeted in a case under Section 302 of the Indian Penal Code. The court of the learned Sub-Divisional Judicial Magistrate, Sankardev Nagar (M), Hojai directed issue of non-bailable warrant of arrest against the present petitioner.
4. The learned counsel for the petitioner submits that the petitioner is interested in facing the trial. But she apprehends that if she appears before the court of the learned Sub-Divisional Judicial Magistrate (M), Sankardev Nagar, Hojai, she will be remanded to custody because the court below has no jurisdiction to grant bail in a session's triable case.
5. I have considered the submissions made by the learned counsels of both sides.
6. Since the petitioner is interested in facing the trial, she should be given an opportunity to that effect.
7. Therefore, the orders directing issue of non-bailable warrant of arrest against the petitioner by the learned Sub-Divisional Judicial Magistrate (M), Sankardev Nagar, Hojai is set aside.
8. The petitioner is directed to appear before the trial court for seeking regular bail. On her appearance, the petitioner shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Sankardev Nagar, Hojai.

With the aforesaid direction, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant