

GAHC010213082024



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

Case No. : AB/2729/2024

TAHIRAN NESSA
W/O SANOWAR DEWAN
R/O VILL- JOSHIHATI GAON,
P.S. BARPETA ROAD,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S A AHMED, A. KHANAM, C S KAMTHONG, MR. F A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.10.2024

Heard Mr.S.A. Ahmed, learned counsel appearing for the petitioner and Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of PRC Case No. 812/2024 pending in the court of the learned Chief Judicial Magistrate, Barpeta.

3. The petitioner aged about 65 years, is shown as an absconder in a charge sheet alleging that she had committed an offence u/s 306 of the Indian Penal Code. The petitioner apprehends that if she appears before the court of the learned Judicial Magistrate, she will be remanded to custody because the offence u/s 306 of the Indian Penal Code is a session's triable one. The petitioner submits that she is interested in facing the trial.
4. I have considered the submissions made by the learned counsels of both sides.
5. Since the petitioner wants to appear before the trial court, she deserves to be given an opportunity to face the trial. Therefore, her application is allowed.
6. It is hereby directed that whenever the petitioner, Tahiran Nessa shall appear before the court of the learned CJM, Barpeta in connection with PRC Case No. 812/2024, she will be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta.
7. With the aforesaid direction, the bail application stands disposed of.

JUDGE

Comparing Assistant