

GAHC010217482024



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

Case No. : Bail Appln./3167/2024

MD FARDIN ALI @ HAQUE
S/O AJIJUL HAQUE, R/O VILL- BIJNI GAON PART 1, P.O. AND P.S.- BIJNI,
DIST- CHIRANG, ASSAM, PIN-783390

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G PATHAK, MR I UDDIN, MR. S K SINGHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22.10.2024

Heard Mr. G. Pathak, learned counsel appearing for the petitioner as well as Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for releasing the petitioner, Md. Fardin Ali @ Haque who is facing trial in Sessions Case No. 35/2021 pending in the court of the learned Sessions Judge, Nalbari.

3. The petitioner has been facing trial for committing an offence u/s 366(A) of the Indian

Penal Code. The girl is 17 years old and she has stated in her statement recorded u/s 164 of the Cr.P.C. that she went with the petitioner on her own volition. Initially the petitioner was on bail. Thereafter, for a long time, on different dates, the petitioner was absent in the court. On 03.10.2024, he filed an application showing grounds of absence, but the court remanded him to judicial custody.

4. After hearing the learned counsels of both sides, this Court is of the opinion that the petitioner does not deserve to be detained in judicial custody for any further period of time.

5. Therefore, the bail application of the petitioner is allowed.

6. The petitioner, Md. Fardin Ali @ Haque shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Sessions Judge, Nalbari.

7. The petitioner is directed to regularly attend the trial. If he does not appear in the trial court without showing any proper reason, the trial court shall be at liberty to do the needful.

With the aforesaid directions, the bail application stands disposed of.

JUDGE

Comparing Assistant