

GAHC010217982024



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

Case No. : I.A.(Crl.)/975/2024
In BA/2937/2024

ANDREW PATIR
S/O SRI RAHUL PATIR, R/O NO. 1 GUGAMUKH, P.S.-GUGAMUKH, DIST-
DHEMAJI, ASSAM, PIN-787034

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S MAHANTA, MR. M MAHANTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

08.10.2024

Heard Mr. M. Mahanta, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Addl. PP, Assam.

The present IA is filed for modification and/or clarification of an order dated 03.10.2024 passed in BA No. 2937/2024.

The petitioner approached this Court by filing the aforesaid BA/2937/2024

seeking bail in connection with Ghilamara PS Case No. 31/2024 in which the petitioner was arrested on 18.08.2024. Such order was passed in absence of the Case Dairy. However, prior to passing of this order dated 03.10.2024, on 20.03.2024, the investigation was transferred from Ghilamara Police Station to Simen Chapori Police Station under Dhemaji district and the Police Station case was re-registered as Simen Chapori PS Case No. 39/2024 corresponding to GR Case No. 143/2024.

In the aforesaid backdrop, when the petitioner sought release on bail in terms of this Court's order dated 03.10.2024, the learned Magistrate refused to entertain such application on the ground that the Magistrate is not having jurisdiction to entertain such a bail application as the new police station case is not within the jurisdiction of such Magistrate and, therefore, present application is filed seeking a clarification that the Judicial Magistrate, 1st Class, Jonai shall be the appropriate Magistrate to release the petitioner on bail in terms of this Court's order dated 03.10.2024 in BA No.2937/2024.

Perused the materials available on record.

The aforesaid submissions made by the learned counsel for the parties is reflected in the order dated 05.10.2024 passed by the Sub-Divisional Judicial Magistrate, Dhakuakhana, who declined to release the petitioner on bail.

Accordingly, a clarification is required to be made in this case. Accordingly, it is clarified that in view of the transfer of the case under Simon Chapori Police Station being registered as Simen Chapori Police Station Case No.39/2024 and the Judicial Magistrate 1st Class, Jonai having the jurisdiction to consider to release the petitioner on bail in terms of this Court's order dated 03.10.2024.

IA stands allowed by clarifying to the aforesaid effect and it is provided

that the petitioner shall approach the Judicial Magistrate 1st Class, Jonai for grant of bail and paragraph 10 of the order dated 03.10.2024 passed in BA No. 2937/2024 be read as "It is hereby directed that the petitioner, Andrew Patir shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Jonai in connection with Simon Chapori Police Station Case No. 39/2024 corresponding to GR Case No. 143/2024".

IA stands disposed of.

JUDGE

Comparing Assistant