

GAHC010222442024



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

Case No. : AB/2807/2024

FARIJUL ISLAM
S/O AMSAR ALI
R/O VILL BALIJAN
P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 24.10.2024

- 1.** Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application under Section 482 of the BNSS, 2023 in respect of PRC Case No. 678/2023 pending in the Court of the learned

Chief Judicial Magistrate, Lakhimpur, North Lakhimpur.

3. The petitioner has been shown as an absconder in the charge-sheet wherein the offences under Sections 363/370/34 of the Indian Penal Code are alleged against the present petitioner.

4. The Court of the learned Chief Judicial Magistrate had issued summons to the petitioner. The petitioner apprehends that since the offences are triable by Court of Sessions, he shall be remanded to custody if he appears before the Court of learned Chief Judicial Magistrate, Lakhimpur.

5. Mr. Kaushik, learned Additional Public Prosecutor has objected to this prayer on the ground that during investigation the petitioner did not cooperate with the Investigating Officer.

6. I have considered the submissions made by the learned counsel for both the sides.

7. Since the petitioner is interested in facing the trial, he deserves an opportunity to face the trial, therefore, it is hereby directed that whenever the petitioner, namely, Farijul Islam shall appear before the Court of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur in connection with PRC Case No. 678/2023 arising out of Laluk P.S. Case No. 149/2022, he shall be released on bail of Rs.25,000/- (Rupees Twenty Five Thousand) with the surety of like amount to the satisfaction of the Arresting Authority.

8. The petitioner shall regularly appear before the Court at the time of hearing also. If he defaults in appearance, the Court of the learned Chief Judicial Magistrate, Lakhimpur as well as the subsequent Trial Court shall

at liberty to take appropriate action against him.

9. With the aforesaid direction, the present bail application stands disposed of.

JUDGE

Comparing Assistant