

GAHC010224502024



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

Case No. : AB/2824/2024

MD IBRAHIM ALI
S/O MD. FAIZUL HOQUE
PERMANENT RESIDENT OF VILL- KAMARCHUBURI,
P.S. THELAMARA OF DISTRICT SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MD A RAHMAN, SAMIM RAHMAN, MR
A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 28.10.2024

Heard Mr. S. Nawaz, learned counsel appearing for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 482 of the BNSS, 2023 in respect of

the PRC Case No. 1565/2023.

The petitioner has been shown as an absconder in the charge-sheet alleging that he had committed an offence under Section 306 of the Indian Penal Code.

Mr. Goswami, learned Additional Public Prosecutor submits that the LCR needs to be called for.

I have considered the submissions made by the learned counsels of both the sides.

Since, the petitioner has been shown as an absconder in the charge-sheet, he has apprehension that whenever he will appear before the learned Additional Chief Judicial Magistrate, Sonitpur in connection with PRC Case No. 1565/2023, he shall be remanded to custody as the said Court does not have the jurisdiction to entertain his bail application.

The petitioner submits that he is interested in facing the trial.

I have gone through the materials available on record.

Since, the petitioner wants to face the trial, he deserves to be entitled to be given an opportunity to face the trial, therefore, his bail application is allowed.

It is hereby directed that whenever the petitioner, namely, Md. Ibrahim Ali shall appear before the Court of the learned Additional Chief Judicial Magistrate, Sonitpur in connection with PRC Case No. 1565/2023, he shall be released on bail of Rs.20,000/- (Rupees Twenty Thousand) with a surety of like amount to

the satisfaction of the learned Additional Chief Judicial Magistrate, Sonitpur.

It is hereby directed that the petitioner shall attend the trial on each and every date. Whenever, he would make default in appearance without showing any sufficient cause, the Trial Court shall have the liberty to take appropriate action.

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

JUDGE

Comparing Assistant