

GAHC010232332024



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

Case No. : AB/2932/2024

NARENDRA RAY
S/O KITTAN RAY, R/O VILLAGE PAKHRIGURI, P.O. SRIJANGRAM, P.S.
ABHAYAPURI, DISTRICT BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

08.11.2024

Heard Shri R Ali, learned counsel for the applicant, namely, Narendra Ray, who has filed this anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying for granting bail in connection with PRC Case No.300/2024 arising out of Manikpur PS Case No. 158/2023 under Section 365/376 of the IPC.

Also heard Ms. B Bhuyan, learned Addl. PP, Assam.

At the outset, Shri Ali, learned counsel for the applicant has submitted that the investigation, in the meantime, has been completed and the charge sheet has been filed. He has further submitted that though the applicant is ready and willing to appear before the learned Court, he apprehends that on such appearance, his prayer for bail may not be considered mainly for two reasons; firstly, the applicant has been stated to be an absconder in the charge sheet and secondly, since the offence is Sessions triable, the learned Magistrate may not exercise the powers for consideration of bail.

Ms. Bhuyan, learned Addl. PP, however has submitted that if a prayer for bail is made, the learned Magistrate would consider the same in accordance with law.

The Full Bench of this Court in the case *State of Assam Vs. State*, reported in **2007 (1) GLT 330** has laid down that prior to an order of committal, the Magistrate may exercise the powers to consider a prayer for bail in accordance with law. As regards the aspect of stating the applicant as an absconder in the charge sheet, that aspect may also be considered by the learned Magistrate in accordance with law, if good causes are able to be shown by the applicant.

In view of the above, the instant petition is closed by giving liberty to the applicant to appear and make a prayer for grant of bail which would be considered in accordance with law and in terms of the observations made above.

JUDGE

Comparing Assistant