

GAHC010239542024



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

Case No. : AB/3010/2024

PANKAJ SARKAR
S/O LATE NAIDA SARKAR @ NADIRAM SARKAR
R/O VILL- NEOLARBHITA
P.S. SARTHEBARI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S A AHMED, A. KHANAM, C S KAMTHONG, MR. F A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.12.2024

Heard Mr. SA Ahmed, learned counsel appearing for the petitioner. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor for the state/respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-

arrest bail to the petitioner, Pankaj Sarkar in respect of PRC Case No. 2093/2023 pending in the Court of the learned Addl. Chief Judicial Magistrate, Barpeta.

3. In a sessions' triable case u/s 306 of the Indian Penal Code, the petitioner has been shown as an absconder. The Court of the learned Addl. Chief Judicial Magistrate, Barpeta has issued summons against the present petitioner. Now, the petitioner has the apprehension that if he appears before the Court of the learned Addl. Chief Judicial Magistrate, Barpeta he will be remanded to custody since this Court does not have the jurisdiction to entertain the bail application of the petitioner.

4. The learned counsel for the petitioner has submitted that the petitioner is interested in facing the trial.

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

6. Since the petitioner is interested in facing the trial, he should be given a chance to face the trial.

7. The prayer of the petitioner is allowed.

8. The petitioner is directed to appear before the Court of the learned Addl. Chief Judicial Magistrate, Barpeta on or before 10.01.2025. On his appearance, the petitioner shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the learned Addl. Chief Judicial Magistrate, Barpeta.

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

CD shall be returned.

JUDGE

Comparing Assistant