

GAHC010240242024



2024:GAU-AS:12425

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

Case No. : Crl.Pet./1373/2024

MD. NAZRUL ALI @ RATUL
S/O- HAMIDULLA ALI,
R/O- HARIJHORA,
P.S- GORESWAR, DIST- BAKSA, ASSAM, PIN-781366

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM, MS. U HAZARIKA, MR H DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

09.12.2024

Heard Ms. T. Som, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 528 of BNSS, 2023 against the order dated 27.07.2022 as well as the subsequent orders passed by the learned Additional Sessions Judge (FTC) Darrang, Mangaldoi in Mangaldoi P.S. Case No. 127/2020, registered under Sections 143/341/427/325/379 IPC, corresponding to G.R. Case No. 540/20, whereby the NBWA has been issued against the present petitioner.

3. It is submitted by Ms. Som, learned counsel for the petitioner, that the present accused/petitioner was arrested in connection with this case and was subsequently granted bail. But, after filing of the charge-sheet, he was not aware about the pendency of the case and hence, he could not appear before the learned Trial Court below. She further submitted that the accused/petitioner also had to remain busy with the treatment of his father, who was admitted in the GNRC Hospital for a considerable period. Thus, considering his absence, the learned Additional Sessions Judge (FTC), Darrang, Mangaldoi had issued NBWA against him on 27.07.2022 and also on other subsequent dates. However, he is ready and willing to appear before the learned Trial Court below and to contest the case if the NBWA, issued against him, may be stayed/suspended giving an interim protection to the present petitioner.

4. Ms. Bora, learned Additional Public Prosecutor, submitted in this regard that for a considerable period, i.e. more than 2 (two) years, the accused/petitioner was absconding and evading arrest. However, he may be given a chance to appear before the learned Trial Court below with an appropriate application for bail which may be considered in accordance with law.

5. Considering the submissions made by the learned counsel for both sides and also considering the submission made by the learned counsel for the petitioner that the accused/petitioner is ready and willing to participate in the case, I hereby direct the present petitioner to appear before the learned Additional Sessions Judge (FTC) Darrang, Mangaldoi on or before the next of listing, i.e. on 07.01.2025, with an appropriate application for bail and upon filing of such petition, the learned Court below shall consider the same in accordance with law. And, till then, the execution of NBWA, issued against the present petitioner, shall remain stayed/suspended.

6. With the observation and direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant