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

Case No. : AB/3202/2024

RABI CHANDRA MONDAL
S/O LATE KHIREN CHANDRA MONDAL
R/O VILL- PUB RATIA DAH
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MRS. K DEVI, MS S A KHALIFA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

06.12.2024

Heard Mr. B Kaushik, learned counsel for the petitioners and Mr. D Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023 by the petitioner, namely, Rabi Chandra Mondal, in respect of PRC Case No. 1945/2023 pending in the court of the learned Chief Judicial Magistrate, Dhubri. Charge sheet has been laid against the present petitioner alleging commission of Sessions triable offence. The petitioner submits that he is interested to appear before the court and face the trial.

According to the petitioner, the court of the learned Chief Judicial Magistrate does not have the jurisdiction to entertain bail application of the petitioner because the offence alleged against him are Sessions triable. Petitioners apprehend that since the offence is triable by the Sessions Court, the Court of Chief Judicial Magistrate would not grant his bail.

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

Since the petitioner is interested to face the trial, he deserves to be given the opportunity to release on bail.

Therefore, it is hereby directed that whenever the petitioner Rabi Chandra Mondal, shall appear before the learned Chief Judicial Magistrate, Dhubri in connection with PRC Case No. 1945/2023, he shall be released on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri. Petitioner is directed to appear before the trial court at the time of hearing. It is made clear that if he fails to appear before the court without showing any proper reason, the trial court shall have the liberty to take steps as per law.

The criminal petition is disposed of.

JUDGE

Comparing Assistant