

GAHC010257682024



undefined

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

Case No. : Bail Appln./3726/2024

JULHAS UDDIN
S/O MD. NURUL ISLAM
VILL- GAGALMARI, P.O. KADONG
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I A HAZARIKA, MR. I U
CHOWDHURY, M ALAMGEER

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

06.12.2024

Heard Mr. HRA Choudhury, the learned senior counsel assisted by Mr. I.A. Hazarika, the learned counsel appearing for the petitioner. Also heard Mr. D. Das, the

learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner namely, Md. Julhas Uddin @ Raju Ali who has been in custody since 29.08.2024 in respect of Sessions Case No.300(K-G) of 2010 pending in the court of learned Addl. Sessions Judge No.2, Kamrup(M).

3. The present petitioner along with another person named Md. Nurul Islam were arraigned in respect of Latasil P.S. Case No.73/2010. After completion of investigation, police laid *charge sheet* against him. It may be stated that at that time, the present petitioner was found to be juvenile and therefore, his case was transferred to the Juvenile Justice Board. In the meantime, after a complete trial, the learned Addl. Sessions Judge No.2, Kamrup(M) had acquitted Md. Nurul Islam.

4. By then, it was discovered that the present petitioner was not a juvenile at the time of commission of the offence. Therefore, the petitioner again appeared before the trial court i.e. learned Addl. Sessions Judge No.2, Kamrup(M). He was granted bail by the said court. Thereafter, he continued to face the trial. Subsequently, COVID-19 came in. The counsel representing the present petitioner lost contact with him. As a result, the petitioner defaulted in appearance before the trial court, for which the trial court issued Non-Bailable Warrant of Arrest (NBWA) against him. Accordingly, the present petitioner was arrested by police.

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

6. Admittedly, the petitioner has completed 3(three) months in judicial custody. Considering the submissions made by the learned counsel of both sides, this Court is of the opinion that the present petitioner no longer deserves to be detained in custody. His bail application is allowed.

7. The petitioner namely, Md. Julhas Uddin @ Raju Ali who is facing trial in respect of Sessions Case No.300(K-G) of 2010 pending in the court of learned Addl. Sessions Judge No.2, Kamrup(M), shall be allowed to go on bail of ₹20,000/- with a surety of

like amount to the satisfaction of the said court, i.e. learned Addl. Sessions Judge No.2, Kamrup(M).

With the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant