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

Case No. : AB/3231/2024

RAFIK ALI @ MD RAFIK ALI
S/O SAHED ALI
R/O VILL-KALYANPUR, P.S. NORTH LAKHIMPUR, DIST. LAKHIMPUR,
ASSAM
VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

18.12.2024

Heard Ms. S G Baruah, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail in favour of the petitioner, namely, Rafik Ali @ Md. Rafik Ali, in connection with PRC Case No. 181/2022 arising out of North Lakhimpur P.S. Case No. 1147/2021 pending in the court of the learned Judicial Magistrate First Class, Lakhimpur at North Lakhimpur.

The petitioner has been shown as an absconder in the charge sheet. He has received

summon from the court of the learned Judicial Magistrate First Class, Lakhimpur, North Lakhimpur.

Now, it is submitted that the petitioner is interested in facing the trial. But, the petitioner apprehends that since the Court of the learned Judicial Magistrate First Class, Lakhimpur, North Lakhimpur does not have the jurisdiction to entertain the bail application of the petitioner, he may be remanded to the judicial custody.

I have considered the submission made by the learned counsel of both sides. Since the petitioner is interested in facing the trial, this court is of the opinion that the petitioner does not deserve to be detained in custody. Hence, the prayer for pre-arrest bail is allowed.

Accordingly, it is hereby directed that on appearance of the petitioner Rafik Ali @ Md. Rafik Ali, in connection with PRC Case No. 181/2022 arising out of North Lakhimpur P.S. Case No. 1147/2021 pending in the court of the learned Judicial Magistrate First Class, Lakhimpur at North Lakhimpur, he shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Lakhimpur, North Lakhimpur.

The petitioner shall appear before the trial court on 27.12.2024.

The bail application is disposed of.

JUDGE

Comparing Assistant