

GAHC010262182024



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

Case No. : AB/3265/2024

MD AZHAR UDDIN
S/O MD. MOHIBUR RAHMAN
R/O VILL- BORHULA, DONKI PATHER,
P.O. JUGIJAN
P.S. HOJAI,
DIST. HOJAI, ASSAM
PIN-782429

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD. S ALOM, MR. M S ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12.12.2024

Heard Mr. S. Alom, learned counsel appearing for the petitioner as well as Mr. D.Das, learned Additional Public Prosecutor for the state of Assam.

2. This is an application u/s 482 of the BNSS, 2023 praying for grant of pre-arrest bail in

respect of PRC Case No. 862/2024 pending in the court of the learned Chief Judicial Magistrate, Hojai.

3. The petitioner has been shown as an accused u/s 366 of the Indian Penal Code. The court of the learned Chief Judicial Magistrate, Hojai, has issued summons to the petitioner. The petitioner now apprehends that if he appears before the court of the learned Chief Judicial Magistrate, Hojai, he will be remanded to custody, because this Court has no jurisdiction to entertain his bail application.

4. The learned counsel for the petitioner submits 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. Therefore, the prayer of the petitioner is allowed.

7. Accordingly, the petitioner, Md. Azhar Uddin shall appear before the court of the learned Chief Judicial Magistrate, Hojai in connection with P.R.C. Case No. 862/2024. 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 Chief Judicial Magistrate, Hojai.

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

JUDGE

Comparing Assistant