

GAHC010262392024



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

Case No. : AB/3274/2024

MD HASMAT ALI
S/O LT. MONUR UDDIN
R/O NO. 2 FAKALI
P.S. KACHUA
DIST. NAGAON, ASSAM
PIN-782426

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, GOVT. OF ASSAM

Advocate for the Petitioner : S AHMED, MS A HUSSAIN, MR. M I HUDA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Mr. S. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of PRC No.1032/2024 arising out of Kachua P.S. Case no.

22/2024, registered under Sections 302/34, Indian Penal Code.

3. In a case under Section 302, Indian Penal Code along with some other sections of law, the petitioner, Md. Hasmat Ali is shown as an absconder. The Court of Chief Judicial Magistrate, Nagaon has issued summons to the present petitioner. He has apprehended that since the offence under Section 302, Indian Penal Code is a Sessions triable case, therefore, he shall not be released on bail by the Court of Chief Judicial Magistrate, Nagaon.

4. The petitioner submits that he is interested in facing the trial because he has been wrongly arraigned in this case.

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

6. Since the petitioner is interested in facing the trial, he deserves an opportunity to that effect. Therefore, this application is allowed.

7. The petitioner, namely Md. Hasmat Ali, is hereby directed to appear before the learned Chief Judicial Magistrate, Nagaon in connection with PRC No.1032/2024 arising out of Kachua P.S. Case no. 22/2024 and on his such appearance, he shall be released on bail of ₹25,000/- with surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant