

GAHC010285202023



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

Case No. : Bail Appln./4542/2023

HABIBUR RAHMAN
S/O LT. KUTALALI @ MIYA
VILL- BAMUNGAON
P.S. LANKA
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

19.01.2024

Heard Mr. M Hoque, learned counsel for the petitioner as well as Mr. D. Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 439 CrPC by the petitioner, namely, Habibur Rahman, who is facing trial in Sessions Case No. (1) 11(H)/2018 pending in the court of the learned Sessions Judge, Hojai, has prayed for release on bail.

Mr. Hoque submits that the petitioner, in order to earn livelihood, went outside the state of Assam and therefore, trial court issued P & A. On execution of P&A, the petitioner was remanding to custody.

Mr. Das, on the other hand, submits that the trial of the case is at fag end and 10 (ten) witnesses are already examined. According to Mr. Das, releasing the petitioner on bail would cause delay in disposal of the case.

I have considered the submissions made by the learned counsel for both the sides and decided to agree with Mr. Das that if the petitioner is allowed to go on bail at this stage, there will be delay in disposal of the case before the trial court.

Therefore, the present bail application stands dismissed and disposed of accordingly.

JUDGE

Comparing Assistant