

GAHC010290802023



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

Case No. : AB/31/2024

EMAN ALI
S/O LATE AIN UDDIN
R/O VILL- KHAGARIJAN
LUMDING,
HOJAI,
ASSAM, P.O. AND P.S. LUMDING
PIN- 782447
DIST. HOJAI, ASSAM
VERSUS
THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P P MEDHI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.02.2024

Heard Mr. PP Medhi, learned counsel for the petitioner and Mr. KK Das, learned Addl. Public Prosecutor for the State respondent.

The scanned copy of the LCR alongwith the case diary is received and perused.

Heard both sides.

Mr. Medhi, learned counsel for the petitioner has submitted that the petitioner is shown as an absconder in the charge sheet but, he never received any notice from the Investigating Officer. He was not aware of the case pending before the trial Court and no summons was

issued against him and as such he did not appear before the learned CJM, Hojai. Subsequently, NBWA and P&A was issued against the petitioner and thus, he came to know about the pendency of the case before the trial Court when the police search him to arrest. Now, the petitioner is ready and willing to appear before the learned Sessions Judge, Hojai where the case is already committed and he will appear before the trial Court each and every date fixed by the Court. He further submits that till his appearance, he may be protected.

In this context, the learned Addl. PP, Mr. KK Das has submitted that the case is of serious in nature and charge is already framed. The present accused/ petitioner was declared absconder by the trial Court on 02.02.2019, the case was committed to the learned Sessions Judge, Hojai. Considering the nature of the case and the conduct of the accused person, he raised objection and submitted that it is not a fit case to grant interim protection.

After perusing the case record, considering the submissions of the learned counsel for both the parties, it is seen that the learned Court below took all endeavour to procure his attendance in the case and he could not be arrested during investigation. He has evaded the police arrest before committal of the case. He may be directed to appear before the Court of the learned Sessions Judge, Hojai.

In view of the above, the accused/ petitioner is hereby directed to appear before the Court of the learned Sessions Judge, Hojai, Sankardev Nagar on 23.02.2024 as the date is fixed by the learned Sessions Judge and will file a proper application seeking regular bail in connection with this case. Till his appearance on 23.02.2024, execution of warrant of arrest and P&A issued against him is stayed. In the event of filing such application, the learned Court below shall pass necessary order in accordance with law.

With the above observation and direction, this bail application stands disposed of.

JUDGE

Comparing Assistant