

GAHC010290832023



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

Case No. : Crl.Pet./1409/2023

DARSHANA BHARADWAJ
W/O SRI SANJAY KUMAR BORA
PERMANENT ADDRESS- VILL- DA- BASERIA, TEZPUR, P.S. TEZPUR,
DIST. SONITPUR, ASSAM
PRESENT ADDRESS- CHANAKYA APARTMENT, 8TH MAIN ROAD,
SADASHIVA NAGAR, ARMANI NAGAR,
BENGALURU, KARNATAKA, PIN-560003

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. FIRUZ KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.01.2024

Heard Mr F Khan, learned counsel for the petitioner, Darshana Bharadwaj.

2. The petitioner has filed application seeking quashing of the order 04.12.2023, passed by the learned Additional CJM, Sonitpur, Tezpur, in PRC Case No. 893/2023, arising out of Sonitpur PS Case No. 2491/2021, registered under Sections 406/420/34

IPC.

3. Heard Ms A Begum, learned Additional Public Prosecutor for the State of Assam.

4. The learned Additional Public Prosecutor has accepted notice on behalf of the respondent. So no formal notice is required to be issued to the respondent. However, sufficient copies be furnished to the respondent, during the course of the day.

5. It is submitted that the petitioner was granted anticipatory bail vide order of this Court dated 17.03.2022, passed in connection with AB No. 436/2022. The petitioner has also appeared before the IO and her statement was recorded.

6 It is further submitted on behalf of the petitioner that she is suffering ovarian cancer.

7. After investigation, charge sheet was laid against the petitioner and the petitioner was shown as absconder. When her family members received summons, an application was filed before the learned trial Court, showing cause of her absence. However, the petitioner's prayer was rejected by the learned trial Court vide order dated 04.12.2023, passed in PRC Case No. 893/2023.

8. The petitioner who is a resident of Bangalore, at present was unable to appear, but she has pledged to cooperate with the trial. The petitioner is willing to appear before the

learned trial Court and cooperate with the trial.

9. I have considered the submissions at the Bar with circumspection.

10. I have also taken a pragmatic view. I have also considered the submission of the petitioner that she is willing to cooperate with the trial.

11. The NBWA issued against the petitioner vide order dated 04.12.2023, in connection with PRC Case No. 893/2023, is hereby kept in abeyance till 26.02.2024, within which, the petitioner is directed to appear before the learned trial Court.

12. In terms of the above observations, the petition is disposed of.

JUDGE

Comparing Assistant