

GAHC010292602023



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

Case No. : AB/4353/2023

TAHER ALI
S/O- KHALIL ALI,
R/O- KIRAKARA,
P.S- SIPAJHAR, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.01.2024

Heard Mr. D. Gogoi, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Taher Ali**, in connection with **G.R. Case**

No. 3338/2014(corresponding to Sipajhar P.S. Case No. 795/2014), registered **under Sections 366(A)/506 IPC** pending in the court of Additional CJM, Darrang.

It has been submitted by the learned counsel for the petitioner that the petitioner was all alone in his house but he was never searched by the police during investigation. Subsequently, he was shown as absconder in the charge-sheet. It is also submitted that the petitioner is the local person and there is no chance of absconding. Considering the nature of offence, the benefit of pre-arrest bail may be extended to the petitioner.

Mr. Baishya, learned Addl.P.P. has raised objection regarding the prayer of the petitioner. He submits that charge-sheet has already been submitted and due to absence of the petitioner, proceeding of the case is delayed.

I have considered the submissions made by the learned counsel for the parties.

Considering the fact as well as the nature of offence, the petitioner is directed to appear before the jurisdictional Magistrate within 10 days from today and if any bail application is filed, the same will be considered as per provision of law. Till such appearance of the petitioner before the jurisdictional Magistrate, the warrant of arrest issued against him, be kept in abeyance.

With the above observation, the present petition stands disposed of.

JUDGE

Comparing Assistant