

GAHC010132062021



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

Case No. : Bail Appln./2125/2021

IMDADUR RAHMAN
S/O SAFIQR RAHMAN BARBHUIYAN
R/O MAJ UDALI
P.S. LANKA
DIST. HOJAI
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

B E F O R E
HON'BLE MR. JUSTICE HITESH KUMAR SARMA

30-09-2021

This is an application made under **Section 439 Cr.P.C.**, seeking bail

of the accused-petitioner, namely, ***Imdadur Rahman***, in connection with ***Sessions (1) Case No.18/2021, arising out of Lanka P.S. Case No.370/2021***, registered under Sections 120B/143/342/447/333/307/353/427 of the Indian Penal Code, read with Section 51(b) of Disaster Management Act, read with Section 5/6 of Assam Medical Service Persons & Medicare Service Institution (Prevention of Violence & Damage to Property) Act, read with Section 3(2) of PDPP Act, added Section 3(3) of Epidemic Disease Act, added Section 3(2)(i) & (ii) of Epidemic Disease Act, pending before the learned District and Sessions Judge, Hojai.

Heard Mr. HRA Choudhury, learned senior counsel for the petitioner. Also heard Mr. Bankim Sarma, learned Additional Public Prosecutor, Assam for the Respondent State.

Status report have been received along with the scanned copy of the record.

Mr. Choudhury, learned senior counsel for the petitioner has submitted that the accused petitioner is in custody for more than 100 days and some of accused persons are even for more than 120 days. It is further submitted that the case has not yet been committed to the Court of Session.

On hearing the learned counsel for the petitioner, this Court directed the Registrar (Judicial) of this Court to collect information, over phone, as to whether the case has been committed to the Court of Sessions and what is the stage of the case.

On such direction, the Registrar (Judicial) of this Court has collected information to the effect that the case has already been committed to the

Court of Session and, presently, the same is pending there. The case has not progressed for last few days as the learned Sessions Judge was on leave.

In view of the above, the petitioner is directed to approach the learned Court below with an appropriate application for bail.

However, the petitioner will be at liberty to approach this Court once again if any such order is passed by the learned Sessions Judge requiring interference by this Court.

With the said direction and observation, this petition stands disposed of.

JUDGE

Comparing Assistant