

GAHC010101872022



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

Case No. : AB/1436/2022

MD. AMZED ALI
SON OF MD. AZAD ALI
R/O VILL- NAGARBAHI
CHAMUWA PARA, P.S. MANGALDOI, PIN-784125, DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

31.05.2022.

By filing this petition under Section 438 of the CrPC, petitioner Amzed Ali has sought for pre-arrest bail in connection with the proceeding pertaining to G.R. Case No.937/2016 (corresponding to Sipajhar P.S. Case No.318/2016), under Sections 120B/376/420 of the IPC.

Heard learned counsel for both sides and perused the record and case diary.

Contending that although he has been shown absconder in the charge sheet but he was very much present at the given address. The petitioner sought some protection from this Court, till his appearance before the learned trial Court.

Heard learned counsel for both sides.

On perusal of the documents annexed, it reveals that the petitioner was named in the FIR, wherein it is mentioned that after commission of the offence, he left the victim and absconded. Subsequently the charge sheet has been filed within five months of the occurrence.

There is no scope to appreciate the factual aspect as to whether the petitioner was available or not at the address given by him. Meaning thereby that the accused person who has been shown absconder in a Session triable case, this Court is of the opinion that this is not a fit case to grant the privilege of Section 438 of the CrPC, to the present accused/petitioner and accordingly the bail prayer stands rejected.

JUDGE

Comparing Assistant