

GAHC010004252024



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

Case No. : AB/135/2024

ABDULLA AND 5 ORS
S/O YUNUS ALI
R/O VILL- KAKRIPARA BEPARIPARA,
P.S. MANKACHAR,
DIST. SOUTH SALMARA MANKACHAR, ASSAM

2: NAZIM MANDAL
S/O JE HAR MANDAL
R/O VILL- KAKRIPARA BEPARIPARA
P.S. MANKACHAR
DIST. SOUTH SALMARA
ASSAM

3: HASEN ALI
S/O SAHEB HUSSEN
R/O VILL- KAKRIPARA BEPARIPARA
P.S. MANKACHAR
DIST. SOUTH SALMARA
ASSAM

4: JOSEPH MIYA
S/O ASHRAFUL
R/O VILL- KAKRIPARA BALURCHAR
P.S. MANKACHAR
DIST. SOUTH SALMARA
ASSAM

5: HANIF MIAH
S/O SAHEB HUSSEN
R/O VILL- KAKRIPARA BEPARIPARA
P.S. MANKACHAR
DIST. SOUTH SALMARA
ASSAM

6: BHELU MIYA
S/O NAZIM BEPARI
R/O VILL- KAKRIPARA BEPARIPARA
P.S. MANKACHAR
DIST. SOUTH SALMARA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

18.01.2024

Heard Md. I H Laskar, learned counsel for the petitioners as well as Mr. P Borthakur, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 438 CrPC by the petitioners seeking pre-arrest bail in connection with PRC Case No. 1493/2023 arising out of Mankachar P.S. Case No. 696/2019 registered under Sections 120(B)/147/148/326/302 IPC.

The petitioners, (1) Abdulla, (2) Nazim Mandal, (3) Hasen Ali, (4) Joseph Miya, (5) Hanif Miah and (6) Bhelu Miya are chargesheeted in a case under Section 302 of the IPC.

It has been submitted that these persons are not on bail neither they are shown as absconders in the charge sheet.

It may be stated that on earlier occasion, these petitioners filed anticipatory bail application before this court and this court rejected their bail application

holding that there are sufficient prima facie incriminating materials against them.

Mr. Laskar submits that these petitioners want to face the trial and as the committing court does not have the power to entertain their bail application, the present bail application has been filed.

I have considered the circumstances involved in this matter. Whereas this court has already held that there are prima facie materials against these petitioners, this court cannot hold another view other than that. Therefore, the petitioners are advised to surrender before the committing court and the trial court i.e. the Court of Sessions shall consider their bail application.

With the above, the present anticipatory bail application stands closed and disposed of.

JUDGE

Comparing Assistant