

GAHC010030902024



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

Case No. : AB/391/2024

DULAL KAZI AND ANR.
S/O LT. AMIR KAZI
R/O VILL- BALATARI,
P.S. FAKIRGANJ,
DIST. DHUBRI, ASSAM

2: SHUKZAN NESSA
W/O DULAL KAZI
R/O VILL- BALATARI

P.S. FAKIRGANJ

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. RASHIDUL ISLAM

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.03.2024

Heard Mr. R. Islam, learned counsel appearing for the petitioners. Also heard Ms. A. Begum, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for seeking pre-arrest bail to the accused/petitioners, namely, **Dulal Kazi and Shukzan Nessa**, who are apprehending arrest in connection with **PRC Case No. 1462/2023** under Sections **306/34 IPC** arising out of **Fakirganj P.S. Case No. 52/2017**, registered under Sections **120(B)/498(A)/304(B)/34 IPC**.

3. It is submitted at the Bar that the Trial Court has taken cognizance of the offence in terms of the charge-sheet which has been submitted under Section **120(B)/498(A)/304(B) IPC**. It is further submitted that the next date fixed before the Trial Court is on 22.05.2024.

4. Mr. R. Islam, learned counsel for the petitioner submits that the petitioners are willing to appear on the next date fixed and assured that they will be appearing regularly before the Trial Court on all dates, as and when fixed.

5. Considering the aforesaid endorsement, this Court is of the considered view that this anticipatory bail can be disposed of with a direction that the petitioner shall appear before the Court of learned Sessions Judge, Dhubri, on 22.05.2024 and till then, the petitioners shall not be arrested.

6. Ordered accordingly.

7. It is needless to clarify that upon his appearance, the learned Trial Court is at liberty to proceed in accordance with law.

8. This disposes of the anticipatory bail application.

Send back the case diary.

JUDGE

Comparing Assistant