

GAHC010032332024



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

Case No. : AB/370/2024

MOIDUL HOQUE @ MOIDUL ALI AND ANR.
S/O LATE SIDDIQ ALI
R/O VILL- MARUACHOWKI
P.S. SIPAJHAR
DIST. DARRANG, ASSAM

2: ISLAM HOQUE @ ISLAM ALI
S/O LATE SIDDIQ ALI
R/O VILL- MARUAHOWKI
P.S. SIPAJHAR
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.02.2024

Heard the learned counsel Mr. N. Mahajan appearing for the petitioners. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC. **3.** The petitioners are shown as absconders in the *charge sheet*, which is registered as PRC No.1499/2023 pending in the court of Sub-Divisional Judicial Magistrate(S), Darrang, Mangaldai.

4. The *charge sheet* has been filed under different sections of IPC including Section 326 of IPC also.

5. Now, the petitioners have apprehended that since the offence under Section 326 of the IPC prescribes long punishment, they may not be released on bail if they appear before that court.

6. I have considered the submissions made by the learned counsels of both sides.

7. This Court is of the opinion that at this stage, the petitioners do not deserve to be detained in custody.

8. Therefore, it is hereby directed that on appearance of the petitioners before the court of learned SDJM(S), Darrang, Mangaldai in connection with PRC No.1499/2023, they (petitioners Moidul Hoque @ Moidul Ali and

Islam Hoque @ Islam Ali) shall be allowed to go on bail of ₹25,000/- with sureties of like amount to the satisfaction of the learned trial court.

9. The petitioners are directed to appear regularly before the learned trial court at the time of trial.

With the aforesaid direction, the present application stands disposed.

JUDGE

Comparing Assistant