

GAHC010049352024



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

Case No. : AB/629/2024

MD. FARMAN ALI AND 5 ORS.
S/O AWAL ALI

2: SAHADAT KHAN
S/O IRAN KHAN

3: ABDUL HAKIM
S/O MD. KABAS ALI

4: ANU BAKKAR ALI
S/O MD. SALAM ALI

5: FULCHAND ALI
S/O ROHOM ALI
ALL ARE R/O VILL- NOTUN SORABURI

6: ARMAN ALI
S/O AWAL ALI
R/O VILL- SORABURI
ALL ARE UNDER P.S.-HAJO
DIST-KAMRUP (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

11.03.2024

This is an application under Section 438 of Code of Criminal Procedure, 1973, filed by the petitioners, namely, 1. Md. Farman Ali, 2. Sahadat Khan, 3. Abdul Hakim, 4. Abu Bakkar Ali, 5. Fulchand Ali, and 6. Arman Ali for granting of pre-arrest bail to the accused petitioners, who are apprehending their arrest, in connection with Session Case No. 51/2016, which is pending before the court of learned Sessions Judge, Kamrup(M), Guwahati arising out of Jalukbari P.S. Case No. 971/2013 registered under Section 399/402 of the Indian Penal Code.

It appears from the materials available on record that the petitioners have not appeared before the trial court for which NBWA were issued against them.

Md. B. Islam, learned counsel for the petitioners submits that the petitioners are willing to appear on the next date.

Considering the aforesaid submissions, this anticipatory bail application is disposed of with a direction to the petitioners to appear before the trial court on the next date fixed and till then, they shall not be arrested.

It is made clear that upon such appearances, the trial court shall be at liberty to consider the bail application on its own merit.

With the above observations, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant