

GAHC010069362024



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

Case No. : Crl.Pet./420/2024

MUJAFFAR HUSSAIN AND ANR
S/O KACHU HUSSAIN, R/O SOBARKUTI, P.S.- KACHA KATA, DIST-
KURIGRAM, BANGALDESH

2: ABDUL JOLIL
S/O ABDUL ROHMAN
R/O SOBARKUTI
P.S.- KACHA KATA
DIST- KURIGRAM
BANGALDES

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M A ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

09.04.2024

Heard Mr. M. A. Islam, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for State respondent.

This is an application filed under Section 482 of the Code of Criminal Procedure, 1973, challenging the impugned order dated 15.02.2024 passed by the learned Judicial Magistrate, First Class, Dhubri rejecting the bail bonds of the petitioners in connection with Golakganj P. S. Case No. 444/2023, registered under Sections 380/34 of IPC *read with* Section 14-A (b) of the Foreigners Act and the corresponding to PRC Case No. 80/2024 pending for disposal before the learned Court below.

It is submitted by the learned counsel for the petitioners, Mr. Islam that vide order dated 15.02.2024, the learned Court below had rejected the bail bonds submitted on behalf of the present petitioners specifying the reasons that bailor and the land documents found not satisfactory. He also submitted that the land documents submitted in the bail bonds are genuine documents and the bailor also verified those documents as per proviso under Section 441-A of Cr.P.C., but the same was rejected by the learned Court below. He further submitted that the bail amount is too high and accordingly, he prayed to reduce the said amount.

In this regard, Mr. Borthakur, the learned Additional Public Prosecutor has submitted that considering the facts and circumstances of this case, the present petition is not at all maintainable and there is no material to show the abuse of the process of law and to entertain the accused/petitioners under Section 482 of Cr. P.C.

After hearing the submissions made by the learned counsels for both sides, I

have perused the case record which reveals that the bailor had produced some relevant documents while producing the bail bonds before the learned Court below. However, it is seen that after the bail order dated 15.02.2024 whereby, the accused/petitioners were granted bail subject to furnishing a bail bonds of Rs.1(one) lakh each with 2(two) sureties of like amount was not put to challenge and also the bail bonds were accordingly furnished on the day itself. Further, those bail bonds was rejected as it was not to the satisfaction of the learned Court below.

So, from the above discussion, it is seen that the bail bond were furnished on behalf of the petitioners. Further, it is not a case of the petitioners that they could not furnished the bail bonds due to excessive bail amount, but the same was rejected by the learned Trial Court due to non satisfaction with the bailor. From the order dated 15.02.2024, it is seen that the learned Court below simply passed the order of rejection on being not satisfied, but, there is no explanation or there is no any order of verification of the documents under Section 441-A of Cr. P.C.

Considering the above facts and circumstances of this case, I hereby direct the present accused/petitioners to file a fresh bail bonds before the learned Court below which may be considered by the said Court, if it is found satisfactory or the learned Court below can make an enquiry of the documents regarding the genuineness of the same.

With the above observation, this criminal petition stands disposed of.

JUDGE

Comparing Assistant