

GAHC010097682024



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

Case No. : AB/1298/2024

ATOWAR RAHMAN AND ANR.
W/O AMIR ALI
R/O VILL- KEOT CHUBA
P.O. AND P.S. DHULA
DIST. DARRANG, ASSAM
PIN-784146

2: JOINAL ABDIN
S/O MOKSED ALI
R/O VILL- 3 NO. DHALPUR
P.O. DHALPUR
P.S. SIPAJHAR
DIST. DARRANG
ASSAM
PIN-78414

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH, MR. B HUSSAIN, SADDAM HUSSAIN, MR. A
R HAZARIKA

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/1460/2024

ABUL KALAM AZAD
S/O RAHIM BAKSA SHEIKH
VILL- KABAITARY PT-I
P.S.-JOGIGHOPA
DIST- BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A KADDUS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

09.09.2024

Heard Mr. G. Chamuah, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Jogighopa P.S. Case No. 53/2024 registered under Section 392 of IPC corresponding to the NGR No.159/2024 pending before the Court of learned Judicial Magistrate First Class, North Salmara, Abhayapuri.

Mr. Das, learned Additional Public Prosecutor, submits that though the case was listed today for production of the updated Case Diary before this Court, but the I.O.

has already filed Charge-Sheet in this case, vide Charge-Sheet No. 94/2024, dated 29.07.2024.

In this context, Mr. Chamuah, learned counsel for the petitioners, submits that the present petitioners are already on interim pre-arrest bail and hence their interim protection may be extended so that they can appear before the learned Trial Court seeking regular bail.

Considering the submissions of learned counsels for both sides and also considering the fact that the case has already been Charge-Sheet, vide Charge-Sheet No. 94/2024, dated 29.07.2024, it is provided that the petitioners shall appear before the learned Court below within 10 (ten) days from today and on their appearance and on their filing a petition for grant of regular bail, the learned Court below shall consider the same in accordance with law.

Till then, it is provided that the interim pre-arrest bail, granted to the accused/petitioners by this Court vide order dated 24.06.2024, shall remain extended for another 10 (ten) days from today, enabling the petitioners to appear before the learned Court below for filing fresh application for regular bail.

In terms of above, this anticipatory bail applications stands disposed of.

JUDGE

Comparing Assistant