

GAHC010115182024



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

Case No. : AB/1512/2024

ABDUL KUDDUS AND 3 ORS.
S/O LATE JANGSHER ALI, R/O VILL- MATRAGHOLA, P.O.-KIRTANPARA,
P.S.-ABHAYAPURI, DIST- BONGAIGAON, ASSAM

2: SAIFUL ISLAM
S/O ABDUL KUDUS
R/O VILL- MATRAGHOLA
P.O.-KIRTANPARA
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSAM

3: SOFIQUL ISLAM
S/O ABDUL KUDUS
R/O VILL- MATRAGHOLA
P.O.-KIRTANPARA
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSAM

4: LALSAN ALI
S/O ABDUL BAREK
R/O VILL- MATRAGHOLA
P.O.-KIRTANPARA
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

11.06.2024

1. Heard learned counsel Mr. T. K. Bhuyan for the petitioners, namely (i) Abdul Kudus, (ii) Saiful Islam, (iii) Sofiquil Islam, and (iv) Lalsan Ali.
2. This application has been filed by the petitioners under Section 438 of the Cr.PC with prayer for bail in connection with Abhayapuri P.S. Case No. 251/19 under Sections 143/341/325/326/506 of the IPC, as Charge-sheet has been submitted against them on 28.11.2019. Thereafter the Elaka Magistrate received this case on transfer for disposal and vide order dated 29.09 2021, fixed the case for appearance on 21.01.2022.
3. On 04.05.2022, the Elaka Magistrate passed an order issuing summons to the petitioners.
4. It is submitted that the petitioners did not receive summons issued earlier.
5. As soon as they have received summons, the petitioners have approached this Court for anticipatory bail as they are apprehending arrest on being booked under Sections 143/341/325/326/307/507 of the IPC.
6. As the petitioners are booked under a Sessions triable case, they are apprehending that they will be forwarded to custody and they have prayed for protection.

7. The petitioners are willing to appear before the Trial Court and co-operate with the trial.
8. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
9. I have considered the submissions at the Bar with circumspection.
10. I have considered the submissions that the petitioners are willing to co-operate with the trial.
11. I have also considered the submissions that the petitioners have not received summons issued against them earlier.
12. The petitioners are hereby directed to appear before the learned Trial Court within 20 days and apply for bail which may be considered by that Court as per merits of the case.
13. Till then, no coercive action is to be taken.

JUDGE

Comparing Assistant