

GAHC010160692024



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

Case No. : Crl.Pet./967/2024

ABDUL HALIM @ ABDUL HALIM KHAN @ ABDUL HELIM KHAN
S/O SOMEJ KHAN
R/O VILL- FULBARI
P.S. TARABARI, PIN-781302
DIST. BARPETA, ASSAM
MOBILE NO. 9957816262

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S ALIM, MR. D ZAKARIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.08.2024

Heard Mr. S.Alim, the learned counsel appearing for the petitioner. Also heard Mr.R.R. Kaushik, the learned Additional P.P. for the State of Assam/respondent No.1.

2. This is an application under Section 528 of BNSS, 2023 challenging the impugned orders dated 11.05.2023, 09.10.2023, 20.03.2024, 06.05.2024 and 16.07.2024 passed by the learned Additional Sessions Judge No. 1, Kamrup(Metro), Guwahati in Sessions Case No. 158/2016.

3. On 12.05.2010, some persons assaulted the informant police personnel. The name of the miscreants are not mentioned in the FIR. However, at a subsequent stage, police arrested Pahar Khan and Kalu Mia. After that, some persons approached this Court seeking anticipatory bail. This Court allowed their prayer. One of the petitioners is Abdul Halim Khan, son of Somej Khan. Finally police filed a charge sheet against some persons including the present petitioner.

4. Now, the petitioner states that he is Abdul Halim Khan, son of Somej Khan, who is the brother of Abdul Hakim Khan was granted anticipatory bail by this Court. The petitioner states that in spite of that, the court issued non-bailable warrant of arrest against him that his name does not appear in the charge-sheet.

5. The petitioner approached the trial court. For that purpose, the trial court did not accept that plea.

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

7. The documents available in the record shows that Abdul Hakim Khan and Abdul Halim Khan are sons of Somej Ali.

8. Therefore, the impugned order is set aside.

9. The petitioner Abdul Halim Khan is directed to approach the trial court and the trial court shall consider his case again on the basis of documents. On his appearance before the trial court, he shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the trial court.

10. The non-bailable warrant of arrest and proclamation issued against the petitioner shall be recalled.

11. With the aforesaid direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant