

GAHC010176052024



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

Case No. : Crl.Pet./1073/2024

NUR MOHAMMAD AND ANR
S/O LATE BASSA SHEIKH
R/O VILL- KALACHANPARA
P.S. TAMARHAT
DIST. DHUBRI, ASSAM

2: DELDAR ALI @ DHOLA
S/O MAHIR UDDIN SK. @ MUCHARU
R/O VILL- SAGUNCHARA
P.S. TAMARHAT
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:UBC 342 LAKSHI NATH BARMAN
TAMARHAT POLICE STATION

P.O. TAMARHAT

DIST. DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL, MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

04.11.2024

Heard Mr. S Islam, learned counsel for the petitioners and Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS, 2023 by the petitioners, namely, (1) Nur Mohammad and (2) Deldar Ali @ Dhola, praying for quashing the order dated 12.08.2024 passed by the learned Chief Judicial Magistrate, Dhubri in connection with PRC Case No. 558/2024.

The petitioners have been shown as absconders in the charge sheet. Petitioners apprehend that since the offence is triable by the Sessions Court, the Court of Chief Judicial Magistrate would not grant their bail applications as the court of Chief Judicial Magistrate does not have the jurisdiction to entertain their bail applications.

I have considered the submissions made by the learned counsel of both sides. Since the petitioners are interested to face the trial, they deserve to be given the opportunity to be released on bail.

Therefore, it is hereby directed that whenever the petitioners (1) Nur Mohammad and (2) Deldar Ali @ Dhola, shall appear before the learned Chief Judicial Magistrate, Dhubri in connection with PRC Case No. 558/2024, they shall be released on bail of Rs.20,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri.

Petitioners are directed to appear before the trial court at the time of hearing. It is made clear that if they fail to appear before the court without showing any proper reason, the trial court shall have the liberty to take steps as per law.

Further, the impugned orders dated 12.08.2024 and 10.09.2024 passed by the learned Chief Judicial Magistrate, Dhubri in connection with PRC Case No. 558/2024 are set aside and quashed.

The criminal petition is disposed of.

JUDGE

Comparing Assistant