

GAHC010190662024



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

Case No. : AB/2479/2024

ZAKIR HUSSAIN AND ANR
S/O ANSAR ALI
VILL- DHARMASALA
P.S. AND DIST. DHUBRI, ASSAM

2: NUR HUSSAIN
S/O BOSORUDDI
VILL- UCHITA
P.S. GOLAKGNJ
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M MONDAL, MR. S ISLAM, MR D C NATH
Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

19.09.2024

Heard Mr. S. Islam, the learned counsel appearing for the petitioners. I have also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNS, 2023 praying for grant of

pre-arrest bail in respect of PRC No.563/2024 arising out of Dhubri P.S. Case No.379/2019 pending in the court of learned Chief Judicial Magistrate, Dhubri.

3. Both the petitioners are shown as absconders in a *charge sheet* filed under Section 364(A) of the Indian Penal Code.

4. Now, the petitioners apprehend that since the offence is triable by a court of Sessions, whenever they appear before the court of learned Chief Judicial Magistrate, they shall be remanded to custody because the court of Chief Judicial Magistrate does not have the jurisdiction to entertain bail application of the present petitioners.

5. I have considered the submissions made by the learned counsel of both sides.

6. Since, the petitioners are interested in facing the trial, this Court is of the opinion that they deserve to be given a chance to face the trial.

7. It is hereby directed that on their appearance before the court of Chief Judicial Magistrate, Dhubri in respect of PRC No.563/2024 arising out of Dhubri P.S. Case No.379/2019, the petitioners, namely- Zakir Hussain and Nur Hussain shall be released on bail of ₹25,000/- each with sureties of like amount to the satisfaction of learned Chief Judicial Magistrate, Dhubri.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant