

GAHC010194402024



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

Case No. : AB/2512/2024

SADDAM ALI @ SADDAM HUSSAIN
S/O JULHAS ALI
R/O BHALUKMARI
MOUZA- BETBARI, P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

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

2:JOYNAL ABEDIN
S/O LATE ABDUL RAHIM
R/O BHALUKMARI
MOUZA- BETBARI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-78135

Advocate for the Petitioner : MR S H SIKDAR, MD IMRAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.11.2024

- 1.** Heard Mr. S.H. Sikdar, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for the State of Assam.
- 2.** This application under Section 482 of the BNSS, 2023 has been filed by the petitioner, namely, Saddam Ali @ Saddam Hussain, who is apprehending his arrest in connection with Special POCSO Case No. 113/2024 under Section 376 of the Indian Penal Code, read with Section 6 of the POCSO Act.
- 3.** The learned counsel for the petitioner has submitted that the petitioner has been shown as an absconder in the charge-sheet laid in the aforesaid case and he has received summons from the Trial Court. However, it is submitted that as the petitioner has been shown as an absconder, he is apprehending that on his appearance before the Trial Court, he may be detained and send to custody.
- 4.** I have considered the submissions made by the learned counsel for the petitioner as well as learned Additional Public Prosecutor. This case does not appear to be a case where any apprehension of arrest exists as the Trial Court has only issued summons to the present petitioner at present.
- 5.** The apprehension of the petitioner that he may not be granted

bail by the Trial Court on his appearance appears to be premature at this stage, as the Trial Court has issued only summons to the present petitioner.

6. This Court does not find any merit in this instant anticipatory bail application. The petitioner is hereby directed to appear before the Trial Court, in pursuant to the summons issued by the said Court. He may pray for bail on his appearance before the Trial Court, which may be considered by the Trial Court as per law.

7. With the above observations, this anticipatory bail application is hereby disposed of.

8. Send back the case diary.

JUDGE

Comparing Assistant