

GAHC010223542024



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

Case No. : AB/2811/2024

MD RAFIQUL ISLAM AND 2 ORS
S/O LATE SIDDIQUE ALI
R/O KAWAIMARI
10 NO. BLOCK, P.S. SARTHEBARI,
DIST. BARPETA, ASSAM

2: SHAJAHAN ALI
S/O LATE SIDDIQUE ALI
R/O KAWAIMARI
10 NO. BLOCK
P.S. SARTHEBARI

DIST. BARPETA
ASSAM

3: NUR ISLAM @ NURUL ISLAM
S/O LATE SIDDIQUE ALI
ALL ARE RESIDENT OF VILLAGE KKAWAIMARI 10 NO BLOCK
PS. SARTHEBARI
DISTRICT BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 25.10.2024

Heard Mr. R. Ali, learned counsel appearing for the petitioners as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of PRC Case No.124/2023 under Sections 447/323/325/307/34 of the Indian Penal Code.

3. The petitioners have been shown as absconder in the charge-sheet filed under Sections 447/323/325/307/34 of the Indian Penal Code. The petitioners apprehend that if they appear before the court of the learned Judicial Magistrate 1st Class, Barpeta, they will be remanded to custody as because the court of the learned Judicial Magistrate 1st Class, Barpeta has no jurisdiction to entertain the bail application.

4. The learned counsel for the petitioners submits that the petitioners are interested in facing the trial.

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

6. Since the petitioner are interested in facing the trial, they deserve to be given an opportunity to face the trial. Therefore, their bail application is allowed.

7. It is hereby directed that whenever the petitioners, namely, 1. Md. Rafiqul Islam, 2. Shajahan Ali & 3. Nur Islam @ Nurul Islam appear before the court of the learned Judicial Magistrate 1st Class, Barpeta, all the three petitioners shall be released on bail of Rs. 25,000/- each with a surety of like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Barpeta.

8. The bail application stands disposed of.

JUDGE

Comparing Assistant