

GAHC010229832024



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

Case No. : AB/2895/2024

SAIFUL ISLAM @ DABBU
S/O ABDUL KHALEK
R/OVILL- SATBOINIRTUP
P.O. KALAHBHANGA, P.S. BARPETA ROAD,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR H A AHMED
Advocate for the Respondent : PP, ASSAM, MR. F A HASSAN (INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

11.12.2024

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. K. Baishya learned Additional Public Prosecutor appearing for the State respondent No.1 and Mr. F. A. Hassan, learned counsel appearing for the respondent No.2.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **Saiful Islam @ Dabbu**, in connection

with **PRC Case No. 235/2024, arising out of Patacharkuchi PS Case No. 138/2024** registered under **Section 61(2)/329(4)/190 / 118(2)/109/103(1) of the BNS, 2023 R/W Section 25(1)(a)/27/35 of the Arms Act.**

It is submitted by the learned counsel for the petitioner that charge-sheet has been laid in this case but the trial court vide its order dated 04.10.2024 has rejected the bail application on the ground that as the alleged offence is exclusively triable by the court of Sessions, Magistrate court has no jurisdiction to entertain the bail.

On the other hand, learned Additional Public Prosecutor submitted that as charge-sheet has been laid against the petitioner showing him as an absconder, so the petitioner may approach before the trial court seeking regular bail.

Mr. F. A. Hassan, learned counsel appearing for the respondent No.2 has made objection in granting bail to the petitioner.

In view of the above, bail application stands disposed of with a direction to the petitioner to approach before the trial court and in the event of filing any bail application, the trial court may consider the matter in accordance with law.

Accordingly, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant