

GAHC010239562024



undefined

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

Case No. : AB/3014/2024

BASER ALI AND ANR
S/O LATE NAMSER ALI
R/O CHANDAKHOL, P.S. DHUBRI
DIST. DHUBRI, ASSAM

2: ANOWAR ALI @ ANOWAR ALI SHEIKH
S/O MEHER ALI
R/O FULKUMARI
P.S. GAURIPUR
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : M HOSSAIN, MR J HUSSAIN, MD A WADUD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04.12.2024

Heard Mr. M. Hossain, learned counsel appearing for the petitioners. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor for the state/respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioners in respect of PRC Case No. 1945/2022.
3. In a charge sheet filed u/s 342/384/376 of the Indian Penal Code, both the petitioners are shown as absconders. Now, they have the apprehension that in response to the summons issued to them, if they appear before the Court of the learned Addl. Chief Judicial Magistrate, Dhubri, they shall be remanded to custody because the offences are triable by the court of sessions.
4. From the case record, it appears that the petitioners are physically handicapped persons. The learned counsel for the petitioners has submitted 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 petitioners are interested in facing the trial, they should be given a chance to face the trial. Therefore, the bail application filed by the petitioners are allowed.
7. It is hereby directed that whenever the petitioners, Baser Ali and Anowar Ali @ Anowar Ali Sheikh appear before the Court of the learned Addl. Chief Judicial Magistrate, Dhubri, they shall be released on bail of Rs.25,000/- each with sureties of like amount to the satisfaction of the learned Addl. Chief Judicial Magistrate, Dhubri.
8. It is further directed that both the petitioners shall regularly appear before the trial court at the time of trial. If they fail to appear before the trial court, the trial court shall do the needful.
9. With the aforesaid direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant