

GAHC010257442024



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

Case No. : AB/3181/2024

SAIFUDDIN AHMED @ SAIFU ALI AND 2 ORS
S/O GAFUR ALI
R/O BARNI
P.S.HAJO
DIST.KAMRUP, ASSAM

2: MOIDUL ISLAM @ KANCHALI
S/O SAIFUDDIN AHMED
R/O BARNI
P.S. HAJO
DIST. KAMRUP
ASSAM

3: HAJIRA BEGUM
D/O SAIFUDDIN AHMED
R/O BARNI
P.S. HAJO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN, MD R ISLAM, MR. S RAHMAN, MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

10.12.2024

Heard Mr. S.M. Abdullah P, the learned counsel appearing for the petitioners. Also heard Mr. K.K. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of PRC No.372/2024 (arising out of Hajo P.S. Case No.769/2022, under Section 120(B)/304(B) of the Indian Penal Code).

3. All the three petitioners are shown as absconders in a *charge sheet* filed under section 120(B) and 304(B) of the IPC. Summonses were issued against the present petitioners by the learned Judicial Magistrate 1st Class, Hajo, Kamrup.

4. Now, the petitioners have apprehended that since the offences alleged against them are Sessions triable, they shall be remanded to custody by the learned Magistrate as the Magistrate does not have the jurisdiction to entertain their bail application.

5. The petitioners have stated that they are innocent and therefore they want to fight out their case before the trial court.

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

7. Since the petitioners are interested in facing the trial, they deserve to be given an opportunity to that effect. Therefore, their bail application is allowed.

8. It is hereby directed that whenever the petitioners, (1) Saifuddin Ahmed @ Saifu Ali, (2) Moidul Islam @ Kancha Ali and (3) Hajira Begum appear before the court of Judicial Magistrate 1st Class, Hajo, Kamrup in PRC No.372/2024 (arising out of Hajo

P.S. Case No.769/2022, under Section 120(B)/304(B) of the Indian Penal Code), they shall be released on bail of ₹25,000/- each with sureties of like amount to the satisfaction of the said Magistrate i.e. Judicial Magistrate 1st Class, Hajo, Kamrup.

With the aforesaid direction, the present application is disposed of.

JUDGE

Comparing Assistant