

GAHC010259862024



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

Case No. : AB/3326/2024

SADDAM HUSSAIN AND ANR
S/O SAYED HUSSAIN
R/O VILL- OKHRABARI, P.S. MANKACHAR,
DSIT. SOUTH SALMARA MANKACHAR, ASSAM

2: RASHIDUL ISLAM
S/O SOPIAL HOQUE
R/O VILL- OKHRABARI
P.S. MANKACHAR

DSIT. SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A RAHMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

18.12.2024

Heard Mr. A Rahman, learned counsel for the petitioners and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS,2023 praying for grant of pre-

arrest bail in favour of the petitioners, namely, (1) Saddam Hussain and (2) Rashidul Islam, in connection with PRC Case No. 399/2024 arising out of Mankachar P.S. Case No. 460/2014 pending in the court of the learned Chief Judicial Magistrate, Hatsingimari.

The petitioners are shown as an absconder in the charge sheet. They have received summons from the court of the learned Chief Judicial Magistrate, Hatsingimari.

Now, it is submitted that the petitioners are interested in facing the trial. But, the petitioners apprehend that since the Court of the learned Chief Judicial Magistrate, Hatsingimari does not have the jurisdiction to entertain the bail application of the petitioners, they may be remanded to the judicial custody.

I have considered the submission made by the learned counsel of both sides. Since the petitioners are interested in facing the trial, this court is of the opinion that the petitioners do not deserve to be detained in custody. Hence, the prayer for pre-arrest bail is allowed.

Accordingly, it is hereby directed that on appearance of the petitioners, namely, (1) Saddam Hussain and (2) Rashidul Islam, in connection with PRC Case No. 399/2024 arising out of Mankachar P.S. Case No. 460/2014 pending in the court of the learned Chief Judicial Magistrate, Hatsingimari, they shall be released on bail of Rs.25,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hatsingimari.

The petitioners shall appear before the trial court on 04.01.2025.

The bail application is disposed of.

JUDGE

Comparing Assistant