

GAHC010261482024



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

Case No. : AB/3230/2024

SAIFUL ISLAM @ MD SAIFUL ISLAM
S/O MD. AMJAD ALI
R/O NO. 2 KEHUTOLI
P.S. LALUK
DIST. LAKHIMPUR, ASSAM
PIN- 784160

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

18.12.2024

Heard Ms. S G Baruah, learned counsel for the petitioner 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 petitioner, namely, Saiful Islam @ Md. Saiful Islam, in connection with PRC Case No. 1364/2023 arising out of Laluk P.S. Case No. 399/2019 pending in the court of the

learned Additional Chief Judicial Magistrate, Lakhimpur at North Lakhimpur.

The petitioner has been shown as an absconder in the charge sheet. He has received summon from the court of the learned Additional Chief Judicial Magistrate, Lakhimpur, North Lakhimpur.

Now, it is submitted that the petitioner is interested in facing the trial. But, the petitioner apprehends that since the Court of the learned Additional Chief Judicial Magistrate, Lakhimpur, North Lakhimpur does not have the jurisdiction to entertain the bail application of the petitioner, he may be remanded to the judicial custody.

I have considered the submission made by the learned counsel of both sides. Since the petitioner is interested in facing the trial, this court is of the opinion that the petitioner does 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 petitioner Saiful Islam @ Md. Saiful Islam before the court of the learned Additional Chief Judicial Magistrate, Lakhimpur at North Lakhimpur in connection with PRC Case No. 1364/2023 arising out of Laluk P.S. Case No. 399/2019, he shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Lakhimpur, North Lakhimpur.

The petitioner shall appear before the trial court on 04.01.2025.

The bail application is disposed of.

JUDGE

Comparing Assistant