

GAHC010262432023



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

Case No. : AB/4012/2023

ABDUL HAMID AND 2 ORS
S/O MOTOSIN ALI
R/O VILL- DOLUGANG
P.S. R.K.NAGAR
DIST. KARIMGANJ, ASSAM
PIN-788710

2: ABDUL AZIZ
S/O MOTASIN ALI
R/O VILL- DOLUGANG
P.S. R.K.NAGAR
DIST. KARIMGANJ
ASSAM
PIN-788710

3: AHMAD ALI
S/O BILAL UDDIN
R/O VILL- DOLUGANG
P.S. R.K.NAGAR
DIST. KARIMGANJ
ASSAM
PIN-78871

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.01.2024

This is an application under Section 438 of the CrPC in respect of R.K. Nagar Police Station Case No.51/2014, registered under Sections 120B/ 147/ 148/ 149/ 325/ 326/ 307/379/447 of the Indian Penal Code (corresponding to G.R. Case No.1281/2014).

I have heard the learned counsel Mr. B. Chowdhury appearing for the petitioners. Also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor representing the State of Assam.

The petitioners are *charge sheeted* in a case under Sections 326/307 etc. of the Indian Penal Code. Against some other accuseds, the case has been committed to the Sessions Court by the learned Addl. Chief Judicial Magistrate, Karimganj. The present petitioners now want to face trial but they have apprehended that on their appearance before the learned Addl. Chief Judicial Magistrate, Karimganj, they shall be remanded to custody as this court does not have the jurisdiction to entertain their bail applications in this case.

Under the given facts and circumstances of the case, this Court hereby directs the petitioners- Abdul Hamid, Abdul Aziz and Ahmad Ali to appear before the learned court of Addl. Chief Judicial Magistrate, Karimganj in connection with aforesaid case and on their appearance,

the court shall release these petitioners on bail of ₹25,000/- each with a surety each of like amount to the satisfaction of the said court.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant