

GAHC010263482024



undefined

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

Case No. : AB/3263/2024

ABUBAKAR SIDDIQUE @ MD ABUBAKAR SIDDIQUE AND ANR
S/O ALI AKBAR
VILL- SALMORIA
P.S.LALUK
DIST. LAKHIMPUR, ASSAM

2: FAIZUDDIN AHMED @ MD FAIZUDDIN AHMED
S/O NURUL ISLAM
VILL KUMARPUR
P.S. LALUK
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY 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

Date : 12.12.2024

Heard Mr. B. Saikia, learned counsel appearing for the petitioners as well as Mr. R.R. Kaushik, learned Additional P.P. for the State of Assam.

2. This is an application u/s 482 of the BNSS, 2023 praying for pre-arrest bail in respect

of PRC Case No. 1590/2023 pending in the court of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur.

3. The petitioners have been charge-sheeted in a Sessions' triable case and the court of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur has issued summons to them. The petitioners now apprehend that if they appear before the court of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, they will be remanded to custody, because this Court has no jurisdiction to entertain their bail application.

4. The learned counsel for the petitioners submits 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 prayer of the petitioners is allowed.

7. Accordingly, the petitioners, Abubakar Siddique @ Md. Abubakar Siddique and Faizuddin Ahmed @ Md. Faizuddin Ahmed shall appear before the court of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur in respect of P.R.C. Case No. 1590/2023 on 26.12.2024. On their appearance, both the petitioners shall be released on bail of Rs.25,000/- each with sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur.

With the aforesaid direction, the bail application stands disposed of.

JUDGE

Comparing Assistant