

GAHC010265352024



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

Case No. : AB/3277/2024

AMINUL ISLAM AND 4 ORS.
S/O LATE ABDUL JILIL MONDAL, RESIDENT OF VILL- KANAIMARA PART-II, P.S. SOUTH SALMARA, DIST. SOUTH SALMARA MANKACHAR, ASSAM.

2: RAJU MONDAL @ RAJU MIAH
S/O LATE KHOLIL MONDAL

R/O VILL- DAYAR CHAR
P.S. SOUTH SALMARA

DIST.SOUTH SALMARA MANKACHAR
ASSAM

3: MOYNAL HOQUE @ MOINUL HOQUE
S/O LATE KHOLIL MONDAL
R/O VILL- DAYAR CHAR

P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM

4: AFZALUR RAHMAN MONDAL @ AFZAL
S/O REZZAK MONDAL @ REZAUL
R/O VILL- DAYAR CHAR
P.S. SOUTH SALMARA

DIST. SOUTH SALMARA MANKACHAR
ASSAM

5: SHALU MIAH @ SALU
S/O USGAR ALI
R/O VILL- DAYAR CHAR
P.S. SOUTH SALMARA

DIST. SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTORS, ASSAM

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. M. Ahmed, learned counsel appearing for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of PRC No.604/2024, arising out of South Salmara Police Station Case no. 156/2024 registered under Sections 191(2)/191(3)/190/329(3)/223/117(2)/118(2)/109 of the BNS Act.

3. The present 5 (five) petitioners are shown as absconders in a charge sheet alleging that they have committed offences triable by Court of Sessions. The petitioners are apprehended that if they appear before the Court of Judicial Magistrate First Class, Hatsingimari, they will be remanded to custody since this Court has no jurisdiction to entertain their bail. The petitioner has submitted that they are unnecessarily impleaded in this case and they want to face the

trial.

4. I have considered the submissions made by the learned counsel for both sides.

5. Since the petitioners are interested in facing the trial, they should be given an opportunity to face the trial. Therefore, the pre-arrest bail application is allowed.

6. The petitioners, namely (1) Aminul Islam, (2) Raju Mondal @ Raju Miah, (3) Moynal Hoque @ Moinul Hoque, (4) Afzalur Rahman Mondal @ Afzal and (5) Shalu Miah @ Salu in connection with PRC No.604/2024, arising out of South Salmara Police Station Case no. 156/2024, are hereby directed to appear before the Court of learned Judicial Magistrate First Class, Hatsingimari on 23.12.2024 and on their appearance, they shall be released on bail of ₹25,000/- each with sureties of like amount each to the satisfaction of the learned Judicial Magistrate First Class, Hatsingimari.

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

JUDGE

Comparing Assistant