

GAHC010272872024



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

Case No. : Crl.Pet./1582/2024

REZAUL HOQUE AND ANR.
S/O AZGOR ALI
VILL- SALMARA PT. VI
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

2: AZIZUR RAHMAN
S/O MAHAM ALI
VILL- SALMAR PT. VIP.S. FAKIRGANJ
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:NURUDDIN SK.
S/O TALIB ALI
VILL-SALMARA PT. VI

P.O.JHERNERCHAR
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL,MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 19.12.2024

Heard Mr. S. Islam, learned counsel appearing for the petitioners and Mr. D.P. Goswami, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 528 of the BNSS, 2023 in respect of Special Case No. 45/2024.

3. The petitioners are shown as absconders in the charge-sheet. Therefore, the petitioners have apprehended that if they appear before the learned trial court, they will be remanded to custody because this Court has no jurisdiction to entertain their bail application. The petitioners pleaded innocent in this case.

4. Mr. Islam has submitted 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 do not deserve to be detained in custody. Therefore, their bail application is allowed.

7. It is hereby directed that wherever the petitioners, Rezaul Hoque & Azizur Rahman appear before the Court of the learned Additional Sessions Judge-Cum-Special Judge (POCSO), Dhubri in connection with Special Case No. 45/2024, they shall be released on bail of Rs.25,000/- each with sureties of like amount to the satisfaction of the learned Additional Sessions Judge-Cum-Special Judge (POCSO), Dhubri .

8. With the aforesaid direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant