GAHC010059402026

2026:GAU-AS:4360

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

Case No. : Crl.Pet./443/2026

HELAL UDDIN ALIAS KAMRUL ISLAM
S/O ANAM UDDIN , R/O VILL. BANLARGOOL, P.S. BADARPUR, P.O. MAZBAT KANDI, DIST. KARIMGANJ, PIN 788701

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR. S C BISWAS, MS. S. CHANDA,MS. J GHOSH,MS. U NANDA,MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 26.03.2026

1. Heard Mr. S. C. Biswas, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State of Assam.

2. This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the Orders dated 20.09.2024 and 19.12.2025,

passed by the learned Sub-Divisional Judicial Magistrate (S), Sribhumi.

3. For non-appearance, the Trial Court issued non-bailable warrant of arrest against the present petitioner, Helal Uddin @ Kamrul Islam.

4. The petitioner submits that he is interested in facing the trial. Therefore he deserves to be given adequate opportunity to that effect.

5. The petitioner further submits that the charges brought against him under Section 302 of the Indian Penal Code and the Court of the learned Sub-Divisional Judicial Magistrate (S), Sribhumi does not have the jurisdiction to entertain his bail application.

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

7. Since the petitioner is interested in facing the trial, he deserves to be given adequate opportunity to that effect.

8. Therefore, his application is allowed.

9. All orders directing issue of non-bailable warrant of arrest against the petitioner, Helal Uddin @ Kamrul Islam are set aside.

10. The petitioner, Helal Uddin @ Kamrul Islam is directed to appear before the Court of the learned Sub-Divisional Judicial Magistrate (S), Sribhumi within a period of 10 (ten) days from today and on his appearance, the petitioner shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (S), Sribhumi.

11. With the aforesaid direction, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant