

ORDER SHEET FOR MAGISTRATE'S RECORDS. Adv: A.K. Saikia

DISTRICTS : SONITPUR

IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR

MISC. (CRIMINAL (Bail) Case No. 264 of 2022

Md. Saddam Hussain, petitioner VS.

STATE OF ASSAM.

Sl. No.	Date	<u>order</u>	Signature
	<u>21-06-22</u>	<p>Seen the petition No. 596/22, filed by petitioner/accused Saddam Hussain, seeking pre-arrest bail, in connection with Jamuguri PS Case No. 52 of 2017, u/s 498 A IPC, corresponding to GR Case No. 1487/2017.</p> <p>I have heard the learned lawyers appearing for both sides. I have also gone through the contents of the GR case record.</p> <p>Learned counsel appearing for the state contends that the accused in the present case was shown absconder and now court had to issue Warrant of Arrest against him for appearance. But accused is avoiding the process of court. Therefore, it is not a fit case to grant pre-arrest bail.</p> <p>However, learned counsel Mr. A.K. Saikia, appearing for accused contends that accused is a local person. Nevertheless, police submitted charge sheet showing him absconder without searching him in connection with the case. Therefore, accused is totally unaware about the case. It is also submitted that the process issued from court was received by another person</p>	

not by accused. Accused is ready and willing to appear in court in the event he is granted pre-arrest bail.

Having considered the submissions of the learned lawyers of both sides and on consideration of the fact of the case, it appears that accused is a local person having his permanent abode at Digholi chapori, Milon centre within the jurisdiction of Jamuguri Police station. It is also seen that it is a case u/s 498A IPC and the learned Magistrate took cognizance of the offence on 18-04-2018. The order sheet of the case record shows that summons followed by warrant were issued but there is no report of executing the warrant by police on accused.

Situated thus, this court is of the considered view that accused deserve to be protected from arrest. At this juncture, accused is required to appear and face trial.

Accordingly, considering all the attending factors, it is directed that if the accused Md. Saddam Hussain appeared before the learned trial court accused may be released on bail of Rs 10,000/- (Rupees ten thousand) only to the satisfaction of the learned court below.

Accordingly, the pre-arrest bail petition stands disposed off.

Let the case record of GR Case No. 1487/2018 along with the case diary be returned.

Sessions Judge,
Sonitpur, Tezpur