

AB 3235/2011
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioners were chargesheeted in G.R. Case No. 221/2011 arising out of Dhula P.S. Case No. 75/2011 registered under Sections 498(A)/307/34 of the IPC. The chargesheet was filed on 8.5.2011(Annexure -2) where the petitioners were shown as absconders.

However, M.A. Sheikh, learned counsel submits that at no point of time any summon was served on the petitioners nor the police ever searched for them. Accordingly, the learned counsel contends that the petitioners should not have been shown as absconders in the chargesheet.

The petitioners submit that they are agreeable to surrender in the court and apply for regular bail but no adverse action should be taken against them, by treating them as absconders.

Mr. B. Gogoi, learned Addl. Public Prosecutor submits that if the petitioners are willing to surrender and participate in the trial, their bail may be considered by the learned court.

Considering the above, the petitioners, Moizuddin and Najim Uddin are permitted to surrender in the court of the learned CJM, Mangaldoi on or before 24.10.2011. Until the stipulated date i.e. 24.10.2011, no coercive action shall be taken against the two petitioners by the police.

After the petitioners surrender, if they apply for regular bail, their bail may be considered on merit, by the learned CJM.

The case is disposed of with the above order.