

GAHC010003502023



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

Case No. : Bail Appln./78/2023

ALA UDDIN@MD ALA UDDIN@MO ALA UDDIN
SON OF ISLAM UDDIN @ MD ISLAM UDDIN @ MO ISLAM UDDIN
R/O VILL- SUTARGAON, WARD NO. 3, DOBOKA TOWN,
P.O. AND P.S. DOBOKA
DIST. NAGAON, (EARSTWHILE-HOJAI), ASSAM,
PIN-782440

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 18-01-2023

Heard Mr. S.C. Biswas, learned counsel for the petitioner.
Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioners namely, Ala Uddin @ Md. Ala Uddin @ Mo Ala Uddin, is praying for bail, in connection with Domoka P.S. Case No. 25/2022, corresponding to G.R. Case No. 276/2022 under sections 379/411/414 of I.P.C. as the petitioner is languishing in jail hazot since 24.12.2022.

It is submitted by the learned counsel for the petitioner that the accused petitioner is innocent and no way connected with the alleged offence. The actual fact of the case is that the petitioner's father runs a high way dhaba but due to his ill health the petitioner was asked to open and run the dhaba for few days during day time. And the articles were recovered from a truck parked in front of the said Dhaba only and he is no way connected with the alleged offence. The accused petitioner is already in custody since last 25 days and hence the I.O got sufficient opportunities to interrogate with him in the custody and further custodial interrogation is not at all necessary in this case. And the accused petitioner will co-operate with the investigation if he is enlarged on bail. On the other hand it is submitted by Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam that sufficient incriminating materials is found against the accused petitioner in the case diary, which reveals that the present accused petitioner used to purchase the cylinder at cost of Rs. 1500/- and used to sale the same at the cost of Rs. 1800/- to Rs. 2200/- per cylinder. Further, the case diary reveals that bail objection was furnished by the I.O where it is stated that the present accused petitioner is a habitual offender and involved with such type of criminal offence and there is probability of hampering and tempering with the investigation, if the present accused is released on bail and at the same time.

After hearing the submission of learned counsel for the both sides and I have

also perused the case diary which reveals that I.O already collected sufficient incriminating materials against the present accused showing his direct involvement with the alleged offence and from the statements of the other witnesses also it reveals that present accused is involved with the alleged offence and Police yet to book some other culprits involve in the present case. Considering the nature of offence, further custodial interrogation may be necessary in the interest of just and proper investigation of the case and also to book the other culprits involved in the present case from whom, it can be traced out the actual source of supply of cylinder.

Accordingly, I do not find it proper to grant the bail to the accused petitioner at this stage. Hence, the bail prayer of the present petitioner is rejected at this stage.

Case diary be retained.

Bail application stands disposed of.

JUDGE

Comparing Assistant