

GAHC010010592023



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

Case No. : Bail Appln./191/2023

1. PORBAT ALI @ PARBAT AL I@ PARBAT ALI SHEIKH AND 2 ORS
S/O HABEJ ALI
VILL- KAZAIKATA PART-VI
P.O. AND P.S. BILASIPARA
DIST. DHUBRI ASSAM
PIN-783348

2: CHAN MONDAL @ CHANDULYA MANDAL
S/O FARMAN ALI MONDAL
VILL- KATHALDI PART-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI ASSAM
PIN-783348

3: BABUR ALI SHEIKH @ BABUR ALI @ BABAR ALI
S/O HABEJ ALI SHEIKH @ HABEJ UDDIN
VILL- KATHALDI PART-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI ASSAM
PIN-78334

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

20.01.2023.

Heard Mr. RI Mondal, learned counsel for the accused. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam, appearing for the State respondent.

This application, under Section 439 of the Code of Criminal Procedure, is preferred by three accused, namely, Parbat Ali @ Parbat Ali @ Parbat Ali Sheikh, Chan Mondal @ Chandulya Mandal and Babur Ali Sheikh @ Babur Ali @ Babar Ali, who are languishing in jail hazoot since 16.11.2023, in connection with Bilasipara P.S. Case No.351/2022, under Sections 379/411/34 of the IPC, read with Section 13 of the Assam Cattle Preservation Act, for grant of bail.

It is to be noted here that the aforementioned case has been registered on the basis of an F.I.R., lodged by WSI(P) Manashi Chetia of Bilasipara P.S., on 16.11.2022, to the effect that on that day at about 11:15 A.M., she recovered two numbers of cattle from Kazaikata Part-IV village, which were suspected to be stolen by the accused, namely, Parbat Ali, Chan Ali and Babur Ali Sk and they could not produce any document of the said cattle and then, she seized the cattle, in presence of the witnesses, preparing seizure list.

Mr. Mondal, learned counsel for the accused submits that the accused were arrested on 16.11.2022, and forwarded to the jail hazoot on 17.11.2022 and since then, they have been languishing in the jail hazoot. Further, the learned counsel for the accused submits that investigation is already completed and the I.O. has laid the charge sheet before the Court, being Charge Sheet No.464/2022, dated 05.12.2022 and they are ready to participate in the trial and therefore, it is contended to allow the petition.

On the other hand, Mr. B.B. Gogoi, learned Addl. P.P., Assam submits that the investigation has been completed and the charge sheet has been laid before the learned Court below against the accused persons.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

It appears that the investigation has already been completed and the charge sheet has been laid before the learned Court below on 05.12.2022 and the accused are languishing in the jail hazoot since 17.11.2022. Since the investigation has already been completed, further custodial detention of the accused persons seems to be not warranted here in this case and accordingly, this Court is inclined to allow this bail petition.

It is provided that on furnishing a bond of Rs.25,000/- (Rupees twenty five thousand) only, with one surety of like amount to the satisfaction of the learned Addl. Sessions Judge, Bilasipara, the accused persons, named above, shall be enlarged on bail, in connection with the Bilasipara P.S. Case No.351/2022.

In terms of above, this bail petition stands disposed of.

JUDGE

Comparing Assistant