

GAHC010010792023



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

Case No. : Bail Appln./214/2023

WAHIDUR JAMAN AHMED AND ANR.
S/O- KHAIRUL ANAM,
R/O- RADHANAGAR, SIXMILE,
P.S- DISPUR,
P.O- SIXMILE,
PIN-781022,
DIST- KAMRUP (M), ASSAM

2: RIJAUL ALI @ BITU
S/O- AFAZ ALI

R/O- DWARANDHA
NAZIZ PATH
P.S- DISPUR

P.O- SIXMILE

PIN-781022

DIST- KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MD A RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 15-02-2023

Heard Mr. A. Rahman, learned counsel for the petitioners. Also heard Mr. K.K. Das, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 439 of the Cr.P.C. for granting bail to the accused persons, namely, Wahidur Jaman Ahmed and Rijaul Ali @ Bitu who were arrested on 17.12.2022 in Connection with Noonmati P.S. Case No. 452/2022 registered under Sections 379 of the IPC.

The C.D. has been received.

I have perused the same.

It is submitted by the learned counsel for the petitioner that the petitioners are not involved with the alleged offence and they have been arrested in connection with this case merely on suspicion. More so, they have been arrested on 17.12.2022 and since then for the last 60 days they are in custody.

In this regard the learned Addl. P.P. Mr. Das submits that there is no sufficient materials in the C.D. against the present petitioners. Further, considering the length of detention the learned Addl. P.P. submits that further detention of the accused petitioners may not be necessary.

Considering the submissions of learned counsel for both sides and also considering the length of detention already undergone by the accused /petitioners from 17.12.2022, I am of the view that the I.O. has got ample opportunity to interrogate the accused /petitioners in the custody and accordingly, further custodial interrogation of the accused/ petitioner may not be necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand only) each with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) the accused petitioners, namely, Wahidur Jaman Ahmed and Rijaul Ali @ Bitu who were arrested in Connection with Noonmati P.S. Case No. 452/2022 registered under Sections 379 of the IPC, be enlarged on bail, subject to the following conditions :

1. that the accused persons shall make themselves available for interrogation by the Investigating Officer as and when required;
2. that the accused persons shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer; and
3. that the accused persons shall make themselves available for interrogation by the I.O. as and when required;

Return the Case diary.

The bail application is disposed of.

JUDGE

Comparing Assistant