

GAHC010012642023



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

Case No. : Bail Appln./252/2023

MD AHIDE UDDIN AHMED@AHIDEUDDIN AHMED
S/O. MD. FIRUZ ALI @ FIROJ ALI, VILL. DIMILA PAR. P.S. TAMULPUR, DIST.
TAMULPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 27.01.2023

Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. A. Ahmed, learned counsel for the accused-petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Md. Ahide Uddin Ahmed @ Ahideuddin Ahmed has prayed for his release on bail in connection with Gorchuk Police Station Case no. 333/2022, registered under Sections 457/380, Indian Penal Code [IPC] for the second occasion after rejection of the earlier bail application, B.A. no. 3678/2022 by order dated 04.01.2023.

3. The accused-petitioner was arrested and produced before the Court of learned Chief Judicial Magistrate, Kamrup [M] on 13.12.2022. On being so produced, he was remanded to custody and since 13.12.2022, the accused petitioner is in custody.

4. The First Information Report [FIR] in connection with Gorchuk Police Station Case no. 333/2022 has been lodged for commission of theft in the dwelling house of the informant.

5. The accused-petitioner was arrested on the basis of a tip-off received by the Investigating Officer [I.O.] of the case. In the statement of the accused-petitioner recorded under Section 161, CrPC, he has admitted about committing theft in the dwelling house of the informant.

6. I have perused the materials in the case diary, produced by the learned Additional Public Prosecutor today. From the materials in the case diary, it is noticed that the entries in the case diary are only upto 13.12.2022. The entries in the case diary does not indicate any further investigation in the case after 13.12.2022.

7. Having regard to the fact that no investigation has been carried out in the case after 13.12.2022 and considering the fact that the accused-petitioner is in custody for 44 days since 13.12.2022, this Court is of the considered view that further custodial detention of the accused-petitioner is not necessary for the purpose of carrying out further investigation of the case and his release on bail, at this stage of investigation, is unlikely to bring any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

8. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 50,000/- with one local surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup [M], subject to the conditions that :-

[i] the accused-petitioner shall co-operate with the investigation and make himself

available for interrogation whenever required by the Investigating Officer [I.O.] of the case;

[ii] the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[iii] the accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

[iv] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and

[v] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

9. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant