

GAHC010012972023



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

Case No. : Bail Appln./251/2023

ALIP UDDIN@APEL
S/O- MD. FAKTAR UDDIN,
R/O- VILLAGE TIAMARI PART-II,
P.S- GAURIPUR,
DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 23.01.2023

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Ms. S.H. Borah, learned APP appearing for the State.

The petitioner, who was shown arrested on 04.01.2023, is seeking

regular bail under section 439 Cr.P.C. in connection with Gauripur P.S. Case No. 373/2022, under sections 379/411/34 IPC read with section 13(1) of the Assam Cattle (Preservation) Act, 2021.

The learned APP has opposed the prayer for bail.

The documents annexed to this application reveal that the petitioner had been arrested on 04.11.2022 in connection with G.R. Case No. 663/2022 arising out of Gauripur P.S. Case No. 182/2022 under section 379/411 IPC read with section 13(1) of the Assam Cattle (Preservation) Act, 2021. However, by order dated 04.01.2023, the learned Judicial Magistrate First Class, Dhubri had granted default bail to the petitioner in connection with the aforesaid G.R. Case No. 660/2022. Accordingly, it appears to the Court that the petitioner has been shown arrested in connection with Gauripur P.S. Case No. 373/2022 so as to keep him in further custody after the default bail was granted in the earlier case.

Accordingly, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Alip Uddin @ Apel in connection with the aforesaid case on furnishing bail bond of Rs.25,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri.

Bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner 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 him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 15 (fifteen) days from the date of his release and he shall continue to appear till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.
6. If the petitioner is found involve in any similar offence, it would be open for the I/O to move the jurisdictional Court and apply for cancellation of bail.

This application stands disposed of.

JUDGE

Comparing Assistant