

GAHC010017062023



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

Case No. : Bail Appln./346/2023

SOLEMAN ALI@SOLAIMAN ALI SHEIKH
S/O JAHAN UDDIN
R/ VILL- KAZAIKATA PT. VI
P.O. KAZAIKATA
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM
PIN-783348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 13-02-2023

Heard Mr. A. Alim SK, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, Soleman Ali @ Solaiman Ali Sheikh, who has been languishing in jail hazot since 31.12.2022 in connection with Bilasipara P.S. Case No.153/2018 under Section 120(B)/406/468/420 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the applicant, Mr. A. Alim SK, that the applicant is innocent and he, being the own brother of the accused No.1, namely Sah Alom SK, who is the Customer Service Point (CSP) under State Bank of India, Bilasipara Branch, and as such the applicant has no role and has not committed any offence as alleged in the FIR, but his name was mentioned on the ground that he is the own brother of the accused No.1, namely Sah Alom SK and accordingly, he was arrested on 31.12.2022 in connection with this case and forwarded to the custody on 01.01.2023 and since last 45 (forty-five) days, he is behind the Bar. Further, the applicant prays for regular bail and he is ready to co-operate with the investigation of this case, if he is enlarge on bail.

On the other hand, Ms. N. Das, learned Additional Public Prosecutor, submits that as per the Case Diary, the main culprit in this case is the brother of the accused/applicant, i.e accused No.1, namely Sah Alom SK, and there is no such materials available against him for further investigation purpose. Further, it is submitted by the learned Additional Public Prosecutor that the applicant is already behind the bar for last 45 days and accordingly, his further custodial interrogation may not be necessary in the present case.

After hearing the submissions of learned counsels for both sides and also considering the fact that the accused/applicant is the own brother of the accused No.1 and he is behind the bar since 31.12.2022, I am of the view that the I.O. has got ample opportunity to interrogate the accused/applicant in the custody.

Considering the submissions of learned counsel for both sides and also considering the fact that the accused/applicant is the own brother of the accused No.1, namely Sah Alom SK and further considering the length of detention already undergone by the accused/applicant, i.e. 45 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the

satisfaction of the learned Chief Judicial Magistrate, Bilasipara, the accused/applicant, namely, Soleman Ali @ Solaiman Ali Sheikh, be enlarged on bail, subject to the following conditions:

- (i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicant 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 the Court or to any police officer; and
- (iii) that the applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Bilasipara, without prior permission.

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

JUDGE

Comparing Assistant