

GAHC010023262023



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

Case No. : Bail Appln./411/2023

MATINUR KHAN
S/O- IKBAL KHAN, VILL.- RADHAKUCHI, P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 15.02.2023

Heard Mr. F. Haque, learned counsel for the petitioner. 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 petitioner, namely, Matinur Khan who was arrested on 27.12.2022 in Connection with Garchuk P.S. Case No. 206/2022 (G.R. Case No. 5619/2022) registered under Sections 420/381 of the IPC.

It is submitted by the learned counsel for the petitioner that the petitioner is not involved with the alleged offence and he has been arrested in connection with this case merely on suspicion. It is stated that the accused petitioner found one mobile handset at Fancy Bazar in abandoned condition and he took up the said mobile handset. Police intercepted him through EMI number and the mobile was seized from his possession.

Further, it is also stated that the accused petitioner is a permanent resident of Barpeta district and there is no chance of absconding. More so, the accused petitioner is in custody since the date of his arrest i.e. 27.12.2022.

The learned Addl. P.P. submitted that there is no direct allegation regarding theft. From the statement of the I.O. it is found that the accused petitioner took up the mobile phone lying in a abandoned condition.

Considering the submissions of learned counsel for both sides and also considering the length of detention already undergone by the accused /petitioner from 27.12.2022, 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 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) with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) the accused petitioner, namely, Matinur Khan who was arrested in Connection with Garchuk P.S. Case No. 206/2022 (G.R. Case No. 5619/2022) registered under Sections 420/381 of the IPC, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
2. that the accused 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 the Court or to any Police Officer; and
3. that the accused petitioner shall make himself available for interrogation by the I.O. as and when required;

The bail application is disposed of.

JUDGE

Comparing Assistant