

GAHC010024032023



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

**Case No. : Bail Appln./433/2023**

AMIR ALI  
S/O- LATE SONA ALI, R/O- BISHNU NAGAR, PANJABARI, P.S. DISPUR,  
GUWAHATI, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MD M RAHMAN

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 03-03-2023**

Heard Mr. J. U. Ahmed, learned counsel for the accused/applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

**2.** This application, under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, Amir Ali, who has been languishing in jail *hajot* since 06.12.2022 in connection with Dispur PS Case No.2479/2022, under Sections 392/302/34 of the IPC, read with Sections 25(1)(a)/27 of the Arms Act.

**3.** It is to be noted that the above noted case has been registered on the basis of an FIR lodged by one Sonit Kumar Bora on 21.11.2022, to the effect that on the same day at about 11.50 am, his elder brother, who was on his way to Panjabari from Kahilipara in his Wagon-R vehicle, bearing registration No.AS-01-BH-5022, was shot at by two unidentified miscreants near Purabi Diary Campus, Panjabari and later on, he came to know that his elder succumbed to the said injuries.

**4.** The learned counsel for the accused submits that the accused is behind the bar for the last 87 days and that he is innocent and in no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigation and, therefore, it is contended to allow the petition.

**5.** Whereas Mr. Baruah, learned Additional Public Prosecutor, Assam has produced the case diary before this Court and submits that in the interest of investigation, further custodial detention of the accused appears to be not necessary in view of the materials collected so far in the case diary.

**6.** Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional Public Prosecutor, Assam.

**7.** It appears that the accused is behind the bar for the last 87 days. Indisputably, the offence is serious in nature. But, in view of the materials collected so far in the case diary, further custodial detention of the accused seems to be not warranted here in this case in the interest of investigation. Accordingly, this Court is inclined to allow the petition.

**8.** It is provided that on furnishing a bond of Rs. 50,000/- (Rupees Fifty Thousand) only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused namely, Amir Ali, be enlarged on bail, in connection with Dispur PS Case No.2479/2022, under Sections 392/302/34 of the IPC read with Sections 25(1)(a)/27 of the Arms Act.

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

The case diary be returned.

**JUDGE**

**Comparing Assistant**