

GAHC010028612023



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

**Case No. : Bail Appln./482/2023**

IMANUL HUSSAIN @ RITUL  
S/O- JAMSER ALI, R/O- BECHIMARI, P.S. MANGALDAI, DIST. DARRANG,  
ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE P.P., ASSAM

**Advocate for the Petitioner : MR S M ABDULLAH P**

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

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA  
ORDER**

**Date : 14-02-2023**

Heard Mr. S.M Abdullah P., learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Public Prosecutor representing the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, Imanul Hussain @Ritul, who has been languishing in jail hazot since 30.12.2022 in connection with Mangaldai P.S. Case No.554/2022, registered under Section 379/411 of the Indian Penal Code.

It is submitted by the learned counsel for the applicant, Mr. S.M Abdullah P., that the applicant is not at all involved in the alleged offence as alleged in the FIR. It is also submitted that the applicant is behind the bar since 30.12.2022 and during this period the IO has got the ample opportunity to interrogate with the same; moreover the stolen Motor Cycle had already been recovered. Hence, further custodial interrogation of the present accused/applicant may not be necessary herein this case.

Mr. Mr. S.M Abdullah P., learned counsel for the applicant also submits that the applicant is the permanent resident of the Darrang District, Assam and there is no chance of absconding. 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, Mr. P. Borthakur, learned Public Prosecutor submits

that as per the FIR, there is sufficient incriminating materials available against the accused/applicant and for the interest of proper investigation, further, custodial interrogation may be necessary in the present case inspite of the fact of recovery of the stolen Vehicle.

After hearing the submissions of learned counsels for both sides, I find that the applicant is behind the bar since 30.12.2022, and it is also seen that there is no prayer for police remand of the present accused/applicant and at the same time IO has got ample opportunity to interrogate the accused/applicant in the custody and accordingly, further custodial interrogation of the accused/applicant seems not necessary herein 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, Darrang, the accused/applicant, namely, Imanul Hussain @Ritul, 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, Darrang, without prior permission.

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

**JUDGE**

**Comparing Assistant**