

GAHC010030682023



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

Case No. : Bail Appln./507/2023

ANISUL HOQUE AND ANR
S/O FAZAL HOQUE
VILL- KODAMTOLA PART-I,
P.O. AND P.S. BILASIPARA,
DIST. DHUBRI, ASSAM
PIN-783348

2: ABDUL LOTIF
S/O SOLEIMAN HUSSAIN
VILL- SAGUNMARI PART-3
P.O. AND P.S. BILASIPARA

DIST. DHUBRI
ASSAM
PIN-78334

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 17.02.2023

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. M. Hussain, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioners, who are languishing in jail hajot since 27.12.2022 in connection with Abhayapuri P.S. Case No. 548/2022, under Sections 120(B)/420/34 of the Indian Penal Code.

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

It is submitted by the learned Senior Counsel for the petitioner, Mr. H. R. A. Choudhury, that the present 2 (two) accused/petitioners are no way involved in the alleged offence and they have not collected any ATM Cards and as per the statement made in the F.I.R., 31 numbers of ATM Cards were thrown by one Mehbub Hasan Choudhury and those ATM Cards were supposed to be handover to one Rofiquil Islam. Further, the accused/petitioners are behind the bar since 55 days and hence further custodial interrogation is not at all necessary. Accordingly, considering their length of detention, they should be enlarged on bail.

In this context, the learned Additional Public Prosecutor, Mr. P. Borthakur, has submitted that there are sufficient incriminating materials against the

present accused/petitioners. The investigation is still in progress and there is no note from the I.O. to file Charge-Sheet within 5-6 days.

After hearing the submissions of learned counsels of both sides, I have perused the Case Diary and it is seen that the I.O. has collected some materials against the present accused/ petitioners. But, from the note of the I.O., it reveals that some more time will be required for investigation of this case and it also cannot be denied that both the accused/petitioners are already in custody since last 55 days. Thus, the I.O. got sufficient time to interrogate the accused/petitioners keeping them in custody and in the same time, the accused/petitioners were already in police custody for 2 (two) days.

So, considering all above aspects of the case and also considering the length of detention already undergone by the accused/petitioners, I am of the view that further custodial interrogation of the accused/petitioners are not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), North Salmara, Abhayapuri, the accused/petitioners, namely, (i) Anisul Hoque & (ii) Abdul Lotif, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 petitioners shall not leave the jurisdiction of the learned Sub-Divisional Judicial Magistrate (M), North Salmara, Abhayapuri, without prior permission.

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

Case Diary be returned.

JUDGE

Comparing Assistant