

GAHC010034032023



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

Case No. : Bail Appln./562/2023

GULAB SHEKH AND 3 ORS.
S/O IBRAR SHEKH @ AVASAR SHEKH
R/O VILL- KOYLA BAZAR
P.S. RAJMAHAL
DIST. SAHEBGANJ
STATE- JHARKHAND
PIN CODE- 816109

2: SHAKILA BIBI
W/O IBRAR SHEKH @ AVASAR SHEKH
R/O VILL- KOYLA BAZAR
P.S. RAJMAHAL
DIST. SAHEBGANJ
STATE- JHARKHAND

PIN- CODE- 816109

3: MIRAJ MIYA
S/O IDUL MIYA
R/O VILL- ENAYETPUR
P.S. MANIKCHOUK
DIST. MALDA
STATE- WEST BENGAL
PIN CODE- 816109

4: SOHAIL SHEKH
S/O IBRAR SHEKH @ AVASAR SHEKH
R/O VILL- KOYLA BAZAR
P.S. RAJMAHAL
DIST. SAHEBGANJ
STATE- JHARKHAND
PIN CODE- 81610

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

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

Date : 10-03-2023

Heard Ms. T. Som, learned counsel for the applicants. Also heard Mr. P. Borthakur, learned Public Prosecutor representing the State respondent.

This application is filed under Section 439 of the Criminal Procedure Code, 1973, praying for regular bail to the accused/applicants in connection with Samaguri Police Station Case No.25/2023, registered under Sections 120(B)/406/420/34 of the Indian Penal Code.

Case Diary has not yet been received.

Ms. T. Som, learned counsel for the applicants has submitted that the accused/applicants had purchased the suspected gold on good faith from the persons as stated in the FIR for their own use. He also submitted that the accused/applicants had no knowledge whether the gold purchased by them is fake or genuine and accordingly, they were arrested on 20.01.2023. Thus, on the ground of length of detention, the accused/applicants are praying for bail and further, there is no chance of absconding or hampering or tampering with the evidence, if any, against them if they are released on regular bail and also

submitted that the IO got the sufficient time for custodial interrogation.

On the other hand, Mr. P. Borthakur, learned Public Prosecutor has submitted that the IO could not furnish the Case Diary and seeks some more time to furnish the same. He also submitted that further custodial interrogation may be required for the interest of investigation.

Considering the submissions of learned counsel for both sides and also considering the length of detention undergone by the accused/applicants, I am of the view that the I.O. has got ample opportunity to interrogate the accused/applicants in the custody and accordingly, further custodial interrogation of the accused/applicants 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) each with one surety of like amount to the satisfaction of the learned SDJM, Kaliabor, Nagaon District, Assam, the accused/applicants, namely, Mr. Gulab Shekh, Smti. Shakila Bibi, Mr. Miraj Miya and Mr. Sohail Shekh, be enlarged on bail, subject to the following conditions:

- (i) that the applicants shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer; and

- (iii) that the applicants shall not leave the jurisdiction of the learned SDJM, Kaliabor, Nagaon District, Assam, without prior permission.

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

JUDGE

Comparing Assistant