

GAHC010039072023



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

Case No. : Bail Appln./635/2023

ANOWAR HUSSAIN
S/O JUL HOQUE ALI
R/O BHAKHURADIA
P.S. NAGABERA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.02.2023

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State.

The petitioner, who was arrested on 05.01.2023, is seeking regular bail under section 439 Cr.P.C. in connection with Rangia P.S. Case No. 17/2023 under sections 399 IPC read with Section 25(1-A) of Arms Act.

This is a second application for bail before this Court.

The learned APP has opposed the prayer for bail on the ground that the petitioner is accused of sharing information with the two other accused persons, namely, Fajal Ali and Sayed Babuli Hussain @ Imran about a person who was carrying a sum of Rs.20-25 lakhs from bank to Sontali. However, in course of police checking, the said two persons were intercepted when they were travelling with their motorcycle and a pistol of 7.65 MM with one magazine loaded with 8 rounds of bullet was recovered from them.

On a perusal of the materials available, the Court finds that there are sufficient incriminating materials against the petitioner of being an informer and participant to for an attempt to commit dacoity. Nonetheless, considering that two other co-accused, who were intercepted with revolver, were released on bail by order dated 21.02.2023 by the learned Addl. Session Judge, Rangia, the Court is inclined to grant bail to the petitioner, namely, Anowar Hussain in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- with two suitable surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rangia.

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 10 (ten) days from the date of his release and without fail, he shall continue to appear once in fifteen days till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

In the event the petitioner fails to comply with any of the conditions, it would be open to the I.O. to move the jurisdiction court and apply for cancellation of the bail.

It is provided that if the petitioner is found involved in any similar offence, it would be open to the I.O. to re-arrest the petitioner.

This application stands disposed of.

JUDGE

Comparing Assistant