

GAHC010041812023



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

Case No. : Bail Appln./669/2023

SALIM UDDIN AHMED @ MD SALIM UDDIN AHMED
S/O LATE HAKIM UDDIN AHMED
R/O MILIJULI PATH,
SATGAON, GUWAHATI,
PIN CODE- 781027,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. I CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22-03-2023

22.03.2023.

Heard Mr. I. Choudhury, learned counsel for the petitioner.
Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of

Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Salim Uddin Ahmed @ Md. Salim Uddin Ahmed, is praying for bail, in connection with Silchar P.S. Case No. 348/2023, under sections 380 of I.P.C. as the petitioner is languishing in jail hazot since 19.02.2023.

Case diary is received and perused the same.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he is falsely implicated in this case and the case was lodged against him only due to personal grudge that he married daughter of the informant Smt. Nikita Das, who belongs to a different community and the parents of the said Nikita Das was against their marriage. On the day of incident, the petitioner and Nikita Das came to Guwahati and thereafter, the present FIR was lodged against the accused petitioner only to harass him. More so, the petitioner is behind the bar for more than 30 days and hence, his further custodial interrogation is not necessary in this case and accordingly, it is prayed to enlarge him on bail.

In this context, the learned APP has submitted that as per materials in the case diary the informant has no grievances against the accused petitioner and by swearing an affidavit said informant has stated that the case was filed only due to misunderstanding. The statement of Nikita Das is also been recorded by the I.O. in connection with this case. Considering the materials available in the case diary, it is submitted by the learned APP that further custodial interrogation may not be necessary in this case.

After hearing the submissions of learned counsel for both sides, I have also perused the case dairy, from which it reveals that the present accused petitioner is in custody since 19.02.2023 and the I.O. has got sufficient time for custodial

interrogation. Therefore, I find it prudent to allow the accused petitioner namely, Salim Uddin Ahmed @ Md. Salim Uddin Ahmed to go on bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) with one suitable surety of like amount, to the satisfaction of the learned C.J.M. Cachar, Silchar, in connection with Silchar P.S. Case No. 348/2023, under sections 380 of I.P.C.

The bail is granted on the following conditions:

- 1.That 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.that 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, influence, or intimidate the prosecution witness;
- 3.that the petitioner shall not misuse his liberty in any manner.

Send back the case diary.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant