

GAHC010045242023



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

Case No. : Bail Appln./738/2023

HANIFUR RAHMAN AND 3 ORS
S/O- LT. AJIZUR RAHMAN, R/O- VILL- SONAPUR PATHAR, P.S. SONAPUR,
DIST.- KAMRUP (M), ASSAM

2: SHAHIDUL ISLAM
S/O- SUKUR ALI
R/O- VILL- BHAKUWAMARI KAYAKUCHI
P.S. AND DIST.- BARPETA
ASSAM

3: AMINUL HAQUE @ AMIN
S/O- LT. AHMED ALI
R/O- VILL- MADHYA BHAKUWAMARI
P.S. AND DIST.- BARPETA
ASSAM

4: LOTFAR RAHMAN @ ROCKY
S/O- ABUL KALAM
R/O- VILL- KOYAKUCHI
BHAKUWAMARI
P.S. AND DIST.- BARPETA
ASSA

VERSUS

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

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : **03.03.2023**

Heard Mr. N. J. Dutta, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail to the accused/petitioners, who have been languishing in jail hazot in connection with Dispur P.S. Case No. 1810/2022, registered under Section 420 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners, Mr. N. J. Dutta, that the accused/petitioners' earlier bail application was rejected by this Court, vide order dated 13.02.2023, in BA. No. 278/2023, but the present subsequent bail application has been filed only on the ground of length of detention. It is further submitted that the accused/petitioners were shown arrested in connection with this case since 19.01.2023, but the accused/petitioners are behind the bar since 16.10.2022 in connection with 4 (four) other cases and thus, the I.O. got sufficient time to interrogate the accused/petitioners keeping them in custody. Further, the accused/petitioners will extend their full cooperation in further investigation of this case if they are enlarged on bail.

In this context, the learned Additional Public Prosecutor, Mr. K. K. Parasar, has submitted that the earlier bail application of the present accused/petitioners was rejected considering the incriminating materials against them and accordingly he raised objection in granting bail to the present accused/petitioners. However, it is submitted by the learned Additional Public Prosecutor that as the accused/petitioners are behind the bar since 19.1.2023, their length

of detention may be considered accordingly.

After hearing the submissions of learned counsels of both sides, it is seen that the earlier bail application of the present accused/petitioners was rejected by this Court after perusal of the Case Diary and also considering the incriminating materials against the present accused/petitioners as well as the gravity of the offence. However, it cannot be denied that the accused/petitioners are behind the bar since 16.10.2022 in connection with other cases and in the present case also, they were shown arrested since 19.01.2023 and since then, they are behind the bar. Thus, it is seen that the I.O. has got sufficient time to interrogate the accused/petitioners in the custody and accordingly, I find that further custodial interrogation of the accused 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) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/petitioners, namely, (i) Hanifur Rahman, (ii) Shahidul Islam, (iii) Aminul Haque @ Amin, & (iv) Lotfar Rahman @ Rocky, be enlarged on bail, subject to the following conditions:

- (i) that the accused shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the accused 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 accused shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant