

GAHC010048392023



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

Case No. : Bail Appln./789/2023

NUR MOHAMMAD SARKAR
S/O AMINUL HOQUE AHMED VILL. KHOPATIA PT II P.S SUKCHAR DIST.
SOUTH SALMARA MANKACHAR ASSAM PIN 783128

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21-03-2023

- 1.** Heard Mr. D. Das, learned Senior Counsel for the petitioner assisted by learned counsel Mr. A.Z. Ahmed.
- 2.** The petitioner Nur Mohammad Sarkar has filed an application under Section 439 Cr.PC with prayer for bail as he is in jail since 25.02.2023 in connection with Geetanagar P.S. Case No. 101/2014 under Sections 364A/302/201 IPC added Section 120B IPC.

- 3.** Heard Mr. B.B. Gogoi, learned Addl. P.P. for the State.
- 4.** The FIR unfolds that on 08.04.2014, the deceased Md. Shaklin Mostak came to Guwahati with his friend Asgor Ali. On the following day both Asgor Ali and Md. Shaklin Mostak went to visit the zoo and a girl called Asgor Ali over phone and she too came to the zoo. At about 2 PM the girl had taken Md. Shaklin Mostak to a nearby place and thereafter the girl went away with Md. Shaklin Mostak and asked Asgor Ali to wait for half an hour in front of the zoo. After sometime Asgor Ali called Md. Shaklin Mostak and he was asked by Md. Shaklin Mostak to go to Christian Basti and Kamakhya Gate. Asgor Ali could not find Md. Shaklin Mostak in any of the places. Thereafter Asgor Ali was asked to go to Adabari and when he went to Adabari and called Md. Shaklin Mostak over phone his phone was switched off and Asgor Ali returned home from Adabari. The informant, who is the brother of Md. Shaklin Mostak tried to call Md. Shaklin Mostak but could not contact him and on the night of 11.04.2014 he received a phone from a mobile phone demanding Rs 15 lacs as ransom to release his brother Md. Shaklin Mostak.
- 5.** It is submitted at the Bar that Md. Shaklin Mostak was killed by his abductors. Md. Shaklin Mostak was abducted for ransom. The FIR was lodged on 12.04.2014 and investigation is still going on but the investigation has not ended in a closure. Several accused have been apprehended and thereafter released on bail but charge-sheet has not been laid yet.
- 6.** It is submitted that the petitioner is innocent and he has been falsely implicated by co-accused. The accused Ali Hussain has implicated the complicity of the present petitioner when he was arrested in connection with this case. It is submitted on behalf of the petitioner that Ali Hussain is a repeat offender and due to a rivalry between the petitioner and Ali Hussain, his name has been falsely mentioned by Ali Hussain to entangle him with this case.
- 7.** I have scrutinised the Case Diary. The victim who was about 19 to 20 years old was kidnapped for ransom and thereafter the victim was killed.
- 8.** It is submitted that several suspects have been apprehended and released on bail. The present petitioner has been falsely implicated by co-accused. The present petitioner is innocent and he is in no way connected with the case of kidnapping and murdering the young

victim for ransom. At this later stage of investigation, on vague evidence the petitioner cannot be entangled in connection with the case.

9. On scrutiny of the Case Diary it is revealed, that despite the incident being a case of 08.04.2014, yet investigation is still under progress. As the case is still under investigation the contents of the Case Diary is not brought to the fore.

However, petition with prayer for bail is rejected at this stage.

Send back the Case Diary.

JUDGE

Comparing Assistant