

GAHC010056442023



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

Case No. : Bail Appln./1021/2023

NUR JAMAL ALI
S/O ABDUL KADIR
VILL- 1 NO. GARUGAON
P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM
PIN-783383

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 20.03.2023

Heard Mr. M. U. Mahmud, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot in connection with Bongaigaon P.S. Case No. 36/2023, under Sections 120(B)/379 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. M. U. Mahmud, that the accused/petitioner is innocent and no way connected with the offence alleged in the F.I.R. From the statement made in the F.I.R. also, it reveals that the handyman as well as the driver were involved in the alleged offence. However, it is a fact that he purchased some beetle nuts in some good faith and except that, he is now way involved in the alleged offence. Further, the accused is behind the bar since 30.01.2023 and thus, he has been in custody for last 50 days and moreover, he was also in police remand. Accordingly, it is submitted that the further custodial detention of the present accused/petitioner is not necessary and accordingly, prayed to allow the accused/petitioner on bail.

In this context, the learned Additional Public Prosecutor, Mr. P. Borthakur, has submitted that in paragraph No. 4 of the petition, it is stated that the present accused/petitioner purchased the beetle nut; however, in the forwarding

report, there is no mention as to whether he had only purchased the beetle nut. But, considering the length of detention undergone by the accused/petitioner, he may be enlarged on bail.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, i.e. 50 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner 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 with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, the accused/petitioner, namely, Nur Jamal Ali, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) 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 the Court or to any police officer; and

- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Bongaigaon, without prior permission.

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

JUDGE

Comparing Assistant