

GAHC010056912023



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

Case No. : Bail Appln./986/2023

ROBIAL HUSSAIN @ ROBIAL HOQUE AND 4 ORS
S/O USUB ALI @ IUCHUF ALI
R/O SHAGUN MARI, P.O. BILASIPARA
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM
PIN-783348

2: SRI SULTAN SHEIKH
S/O FAJUDDIN SHEIKH @ FOYEJ UDDIN

R/O SHAGUN MARI

P.O. BILASIPARA
P.S. BILASIPARA

DIST. DHUBRI
ASSAM
PIN-783348

3: SRI SATTAR ALI
S/O LASKAR ALI @ NASKAR ALI
R/O SHAGUN MARI

P.O. BILASIPARA
P.S. BILASIPARA

DIST. DHUBRI
ASSAM
PIN-783348

4: SRI OMAR ALI
S/O LATE MANER ALI @ MONER ALI
R/O SUAPATA PART-V
P.O. SUAPATA

P.S. BILASIPARA

DIST. DHUBRI
ASSAM
PIN-783348

5: SRI SAITU @ CHAMINUL HOQUE @ SAMINUL HOQUE
S/O LATE MANIJ JAMAN @ MONIR ZAMAL
P.S. BILASIPARA

DIST. DHUBRI
ASSAM
PIN-78334

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27-03-2023

Heard Mr. A.A.R. Karim, learned counsel for the petitioners.

Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioners namely, 1.Sri Robial Hussain @ Robial Hoque, 2. Sri Sultan Sheikh, 3. Sri Sattar Ali, 4. Sri Omar Ali & 5.Sri Saitu @ Chaminul Hoque @ Saminul Hoque are praying for bail, in connection with Gorchuk P.S. Case No. 60/2023, under sections 365 of I.P.C. corresponding to G.R. Case No. 1537/2023 as the petitioners are languishing in

jail hazot since 02.03.2023.

It is submitted by the learned counsel for the petitioners that all the petitioners are labourer and they are supposed to pay Rs. 40,000/- by the informant but inspite of giving money, false and concocted case has been lodged against them. They have not abducted or kidnapped the victim as alleged in the F.I.R. and they are in custody for last 25 days and hence, the I.O got sufficient time for their custodial interrogation. However, they will co-operate with the I.O in further investigation of the case, if they are enlarged on bail.

In this context the learned APP has submitted that it is fact that the victim was to pay Rs. 40,000/- to the present petitioners as they were working under him as laboure. In the case dairy as well as from the evidence of the witnesses, same has been reflected. Accordingly, learned APP raised no objection, if the petitioners are released on bail.

After hearing the submission of the learned counsel for the petitioner and also considering the nature of offence as well as the length of detention already undergone by the accused, I find it prudent to allow the accused petitioners namely, 1.Sri Robial Hussain @ Robial Hoque, 2. Sri Sultan Sheikh, 3. Sri Sattar Ali, 4. Sri Omar Ali & 5.Sri Saitu @ Chaminul Hoque @ Saminul Hoque to go on bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with one suitable surety of like amount each, to the satisfaction of the learned C.J.M. Kamrup (M), in connection with Gorchuk P.S. Case No. 60/2023, under sections 365 of I.P.C. corresponding to G.R. Case No. 1537/2023.

The bail is granted on the following conditions:

- 1.That the petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required;

2.that the petitioners 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. They shall not, in any manner, try to overawe, influence, or intimidate the prosecution witness;

3.that the petitioners shall not misuse their liberty in any manner.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant