

GAHC010058062023



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

Case No. : Bail Appln./1044/2023

SOFIKUL ISLAM
S/O- LATE MIZANUR RAHMAN @ LATE MOJIBAR RAHMAN, VILL-
KHEROPARA (KUSHDHOWA CHECHAPANI PART-II) P.O. CHECHAPANI, P.S.
RANGJULI, DIST.- GOALPARA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

05.04.2023

Heard Mr. A.M. Khan, learned counsel appearing for the accused petitioner as well as Mr. R.J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Sofikul Islam** has prayed for grant of bail in connection with **Rangjuli P.S. Case No. 07/2023** under Sections **120B/398/399/400/353/307** of the

IPC read with Sections **25(1-A)/27/28** of the Arms Act.

The case diary, as called for, is placed before the Court.

The allegation made in the FIR is that on the basis of information regarding movement of the prime accused of Agia P.S. Case No.26/22, Dudhnoi P.S. Case No.75/22, Krishnai P.S. Case No.71/22 and Dhupdhara P.S. Case No.102/22, namely Barek Ali and Rajibul@Kesa near Nagarbera and Simlitola border area in a white Bolero bearing Registration No. AS-22F-5594 for the purpose of committing another highway robbery, the informant under the command of Dy. S.P.(HQ), Goalpara along with his team placed naka checking at different locations. As the police approached the market area of Kahibari near Simlitola-Kuhiarbari Road, one Bolero vehicle came speeding towards them. The said vehicle without obeying signal to stop tried to run over the police personnel and started firing from inside the vehicle. The police fired in retaliation and stopped the vehicle, but the gang of dacoits ran away taking the advantage of heavy fog. From the vehicle 3 numbers of blank cartridges of pistol written as '7.65 KF', one khukri, one iron rod as well as one golden colour vivo mobile handset were recovered and seized.

It is noticed that the accused petitioner has been in judicial custody since 06.02.2023, that is, for 59 days.

Perusal of the case diary shows that the accused petitioner was the owner of the Bolero vehicle wherein the gang of dacoits was travelling. The petitioner was not present at the place of occurrence. His vehicle was hired by one Jiarul Hoque vide vehicle rental agreement, dated 17.01.2023 and said Jiarul Hoque surrendered before police. There is prima facie no direct incriminating material

against the accused petitioner, subject, of course, to final outcome in investigation.

In the backdrop of facts and circumstances concerning the accused petitioner as well as his length of detention in judicial custody, this Court is of the opinion that his further continuation of detention may not be required in the interest of the ongoing investigation into the case.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** with one surety of like amount to the satisfaction of learned **C.J.M., Goalpara** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused 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 Police Officer or the Court.

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant