

GAHC010067892023



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

Case No. : Bail Appln./1164/2023

ALI HUSSAIN
S/O- A.JOLIL @ ABDUL JOLIL SHEIKH VILL- CHOTO KAZIR GAON, P.S.
SUKCHAR, DIST.- SOUTH SALMARA MANKACHAR, ASSAM

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 MR. JUSTICE SOUMITRA SAIKIA**

ORDER

09.05.2023

Heard Mr. N.J. Dutta, learned counsel for the accused-petitioner and Mr. B.B Gogoi, learned Addl. PP for the State.

2. This bail application has been filed by the petitioner, namely, Ali Hussain, seeking bail in connection with Geetanagar P.S. Case No. 101/2014 under Sections 364(A)/302/201/120(B) of the IPC. The accused-petitioner was arrested on 23.02.2023 and since then he has been in custody.

3. The learned counsel for the accused-petitioner submits that an FIR dated 12.04.2014 was lodged by the informant namely, Sk Hanif Uddin, whereby it was alleged that his brother Md. Shaklin Mustak along with his friend Azgar Ali came to Guwahati on 08.04.2014 and spent the night in Mohor Ali's house at Sijubari. On the next date, i.e., on 09.04.2014, both Shaklin Mustak and Azgar Ali went to visit the Zoo and one girl called Shaklin Mustak over the phone. At about 2:00 P.M. the unknown girl had taken Shaklin Mustak to a nearby place and after some discussions, the girl asked Azgar Ali to wait for half an hour in front of the Zoo. After sometime, Azgar Ali called Shaklin Mustak and he was asked by Shaklin Mustak to proceed to Christian Basti and Kamakhya Gate. When Azgar Ali went to that place, he could not find Shaklin Mustak. Thereafter, he was asked to go to Adabari but Azgar Ali could not find Shaklin Mustak even in Adabari. Thereafter, Shaklin Mustak's mobile phone was found to be switched off. Azgar Ali then returned from Adabari. On 11.04.2014 at about 10:00 P.M. the informant received a phone call for a ransom of Rs. 50,00,000/- (Rupees Fifty Lakhs) for release of his brother within 48 hours. The said FIR was received and registered as Geetanagar P.S. Case No. 101/2014 under Sections

364(A) of the IPC.

4. Vide earlier order of this Court, the case diary was called for.
5. The case diary called for has been produced by the learned Addl. Public Prosecutor.
6. The learned counsel for the accused-petitioner submits that the petitioner is not at all connection with the offences alleged in the FIR. He is not named in the FIR. He was arrested on mere suspicion.
7. The learned counsels for the parties have been heard. The bail application has been perused. The case diary produced has also been carefully perused.
8. The matter has been under investigation since 2014 but charge-sheet has not been filed yet. The body of the deceased has not yet been recovered since 2014. The accused-petitioner has been in custody for about 74 days.
9. Considering the extent of investigation is being carried on and the period of detention undergone, this Court is of the view that further custodial detention will not be necessary. No materials are seen from the case diary to suggest that further custodial detention is necessary for the purposes of investigation of the case. It is also seen that another co-accused has also been released on bail vide order of this Court dated 08.05.2023 passed in B.A. No. 1218/2023.
10. Considering all of the above, the bail application is allowed. The accused-petitioner, named above, is enlarged on bail in connection with the above mentioned case, and if not wanted in any other case, upon furnishing a bail bond of **Rs.50,000/-** (Rupees Fifty Thousand only) with two local sureties of like amount to the satisfaction of the learned CJM, Kamrup(M) under the following conditions:-

(i) That the petitioner will co-operation with the I.O and appear before him till the investigation are complete.

(i) That the petitioner will not exercise threats to witnesses; and he will cooperate with the remaining part of the investigation;

(ii) That the petitioner will not leave the jurisdiction of the trial Court without prior permission, till completion of investigation.

11. Return the case diary

12. The bail application stands disposed of.

JUDGE

Comparing Assistant