

GAHC010077912023



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

Case No. : Bail Appln./1331/2023

SUJAL ALI
S/O SAHADAT ALI
VILL- SURJYA NAGAR, BY LANE NO. 3
P.S. SATGAON,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25-04-2023

Heard Mr. R. Ali, learned counsel for the petitioner. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This bail application is filed by the petitioner, namely, Sujal Ali, who is

seeking bail in connection with the Paltan Bazar P.S. Case No.38/2022 (corresponding to G.R. Case No.681/2022) registered under Sections 392 IPC. The petitioner was arrested on 24.02.2023 and since then, he has been in custody.

The allegation of the informant in the FIR is that on 19.01.2022 at about 12.40 P.M. when his office staff went to the Bank of Boroda, G.S. Road to deposit money, two boys coming on a bike stabbed him on the ground and robbed the money amounting to Rs.3,04,420/-. Accordingly, the FIR received and registered being Paltan Bazar P.S. Case No.38/2022 (corresponding to G.R. Case No.681/2022) under Sections 392 IPC.

Pursuant to the investigation, the petitioner was arrested on 24.02.2023 and since then he is in custody.

The case diary, as called for, has been received and the same is presented before this Court.

The case diary has been carefully perused.

It is said that the matter is under investigation and statements of the accused have been recorded. However, no charge-sheet has been filed.

Considering the period of detention of the petitioner as well as the progress of the investigation and taking into consideration that no incriminating materials are available in the case diary to suggest that the release of the petitioner at this stage will cause impediment in the investigation carried out by the police or that further custodial detention is necessary for investigation at this stage, this Court is, therefore, inclined to direct the release of the petitioner on bail. Accordingly, the petitioner, named above, shall be released on bail upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) only with 1 (one) local surety of like amount to the satisfaction of the learned Chief Judicial

Magistrate, Kamrup(M), subject, of course to the following conditions:

- i) That the petitioner shall co-operate with the investigation as and shall appear before the IO as and when required;
- ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- iii) 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 office; and
- iv) That the petitioner shall not change his residence without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the bail granted to the petitioner.

The bail application is accordingly disposed of.

Return the case diary.

JUDGE

Comparing Assistant