

GAHC010086312023



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

Case : Bail Appln./1395/2023

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 : MR. R ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

04.05.2023

Heard Mr. R. Ali, learned counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Addl. PP for the State.

2. This bail application is filed by the petitioner, namely, Sujal Ali, who is seeking bail in connection with the Changsari P.S. Case No.462/2022 registered under Sections 365/392 of the IPC.

3. The petitioner was arrested on 06.02.2023 and since then, he has been in custody.

4. It is submitted that an FIR dated 05.12.2022 was lodged by the informant one Chapal Kumar Nath alleging that a member of the 'Sankar Jyoti Truck Owner's Association', who is In-charge of the financial transactions - Sri Ranjit Nath on his way to make payment of rent for the vehicles to all the vehicle owners was waylaid on the way by a group of persons. Said person Ranjit Nath thereafter was taken in a different vehicle along with an amount of Rs.31 Lakhs by the group of persons and subsequently, he was dropped off near the SP Office, Amingaon and the amount of Rs.31 Lakhs was taken away. During the course of the investigation, the petitioner was arrested. It is submitted that the petitioner is not at all connected with the offences alleged. He was arrested merely on suspicion.

4. Learned Addl. Public Prosecutor, Assam submits on instructions that the charge-sheet in the matter has not been filed.

5. This Court on earlier occasions had called for the case diary and today the same has been produced by the learned Addl. P.P.

6. I have perused the same.

7. It is seen that the offences alleged against the petitioner have punishment up to 10 years. The petitioner has been in custody for about 58 days. Although investigations have progressed considerably, no charge-sheet has been filed yet. Upon perusal of the case diary, no materials are found which suggest that release of the petitioner at this stage will hamper further investigations. Accordingly, the accused-petitioner, who is in custody, in connection with the aforementioned case, shall be released on bail forthwith upon furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with 1 (one) local surety of like amount to the satisfaction of the learned CJM, Kamrup, Amingaon, 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 till the investigation is completed;

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 leave the jurisdiction of the CJM, Kamrup, Amingaon, without obtaining prior written permission from the concerned investigating officer of the case.

8. 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.

9. Accordingly, the bail petition is allowed and disposed of.

10. Return the case diary

JUDGE

Comparing Assistant