

GAHC010090472023



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

Case No. : Bail Appln./1546/2023

SK MIRAJ HUSSAIN
S/O SK. ISLAM
PRESENTLY RESIDING AT
C/O KHARGESWAR SARMA,
SANTIUR BACKSIDE OF PRAGJYOTISH COLLEGE,
P.O. AND P.S. BHARALUMUKH
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R CHETRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09-05-2023

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

This Bail petition has been filed by the petitioner, namely, Sk. Miraj Hussain, who was arrested on 08.04.2023 in connection with Bharalumukh P.S. Case No.114/2023 registered under Sections 448/326/506 of the IPC.

This Court by order dated 03.05.2023 called for the case diary along with the injury report.

Today learned Addl.P.P. has produced the case diary but without the injury report.

Mr. Chetry, learned counsel for the petitioner submits that the petitioner is not at all involved with the allegation made in the FIR and the petitioner has been dragged into this case for unknown reasons. It is submitted that the petitioner is a resident of Santipur, Bharalumukh P.S. and working as a daily labourer. Learned counsel for the petitioner submits that the mobile phone of the petitioner got stolen on 06.04.2023 and the petitioner went to the informant house to enquire about his mobile phone when some words altercation took place between the petitioner and the informant. However, on very next date i.e. on 07.04.2023 with the false allegation the FIR was lodged stating that the petitioner had physically assaulted the informant causing injuries. Learned counsel for the petitioner submits that the allegations are completely false and the petitioner is innocent as he is not connected with the allegation.

Mr. B.B. Gogoi, learned Addl.P.P., submits that it is seen from the case records that the informant was sent to the hospital and doctor's prescriptions is available in the case diary.

Upon hearing the learned counsel for the parties and upon perusal of the case diary, produced by the learned Addl. P.P, it is seen that the investigations are carried on and the statement of the accused has been recorded along with

other witnesses.

Considering the progress of the investigation carried out no materials are found from the case diary to suggest that further custodial detention of the petitioner would be necessary for investigation in connection with Bharalumukh P.S. Case No.114/2023 registered under Sections 448/326/506 of the IPC. Although the charge-sheet has not yet been filed but the materials available on case diary does not suggest that further custodial detention of the petitioner would be necessary. No materials are also seen from the case diary to suggest that the release of the petitioner at this stage may impede the investigation carried on by the IO.

Accordingly, the accused-petitioner, namely, Sk. Miraj Hussain shall be released on bail forthwith in connection with Sessions Case No.26/2023 arising out of Bharalumukh P.S. Case No.114/2023 registered under Sections 448/326/506 of the IPC on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Five Thousand only) with 1 (one) local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Kamrup(M), subject, of course to the following conditions:

- i) That the petitioner shall appear before the IO and cooperate with the investigation as and when required till the investigations are complete;
- ii) 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
- iii) That the petitioner shall not leave the jurisdiction of CJM,

Kamrup(M) without obtaining prior written permission from the competent Court.

Accordingly, the bail petition is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant