

GAHC010093412023



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

: Bail Appln./1562/2023

ABDUS SAMAD BHUYAN
S/O LATE HAJI ABDUL HUSSAIN BHUYAN
R/O VILL- PIRADHARA PART-I

P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23-05-2023

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

This Bail Application has been filed by the petitioner, namely, Abdus Samad Bhuyan, who is in custody since 07.04.2023 in connection with Abhayapuri Police Station Case No.134/2023 registered under Sections 447/325/326/34 of the IPC.

The petitioner was arrested on 07.04.2023 and since then he has been in custody.

This Court by order dated 04.05.2023 had called for the case diary along with the injury report and today, when the matter was called up, the learned Additional Public Prosecutor, Assam has produced the case diary along with the injury report.

Perusal of the case diary reveals that investigation has progressed in the matter and the statements of the witnesses including the petitioner have been recorded. From the injury report it is seen that the petitioner has also suffered injuries which are stated to be grievous in nature. From the case diary it is seen that although the matter is under investigation and no charge-sheet has not been filed. The case diary does not reveal any materials which suggest that further custodial detention of the petitioner is necessary in connection with the investigation of the case which is being carried on. No materials are also available in the case diary to suggest that grant of bail of the petitioner at this

stage will cause impediment to the investigation carried on by the police.

Accordingly, upon hearing the learned counsels for the parties, this Court by taking into consideration of the materials available in the case diary as well as the period of detention undergone by the petitioner is inclined to allow the bail application of the petitioner.

Accordingly, the petitioner, named above, shall be released on bail in connection with the above noted case, upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with 2 (two) local sureties of like amount to the satisfaction of the SDJM(M), North Salmara, Abhayapuri, subject, of course to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer of the case as and when required till completion of the investigation;
- (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 competent Court without obtaining prior written permission.

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 competent Court shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioner.

The Bail Application is accordingly disposed of.

Return the case diary.

JUDGE

Comparing Assistant