

GAHC010100462023



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

Case No. : Bail Appln./1668/2023

SHAR ALI @ MD. SAHAR ALI
S/O MD. OSMAN ALI
R/O 1 NO. MAGURMARI, P.O. DHULA, P.S. DHULA
DIST. DARRANG, ASSAM, PIN-784146

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

15-05-2023

Heard Mr. A.A.R.Karim, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Shar Ali @ Md.**

Sahar Ali, is seeking bail in connection with Kharupetia Police Station Case No. 86/2023 registered under Sections 120(B)/365/342/384/420 IPC, corresponding to G.R. Case No. 619/2023, wherein he was arrested on 06.04.2023 and since then, he is in custody.

The allegation against the petitioner is that he along with his co-accused mentioned in the FIR was involved in honey trapping and through honey trapping, the informant was coerced into paying an amount of Rs. 2,10,000/-.

In the FIR, the informant stated that the accused person took him by a Maruti Car to ATM and after obtaining his secret/password number of ATM, he withdrawn Rs. 1,50,000/- and thereafter, he withdrawn another Rs. 60,000/- from the account of the informant.

It is to be noted herein that generally, maximum Rs. 40,000/- can be withdrawn from the ATM in a day.

Mr. Sarma, learned Additional Public Prosecutor, Assam has raised serious objection stating that it is a serious offence and without perusing the Case Diary, the involvement of the accused cannot be ascertained. The forwarding report clearly depicts that the petitioner is complicit.

The Court have also considered the submissions that the arrested co-accused, namely, Saidur Rahman has already been arrested on 29.03.2023 and a Co-ordinate Bench of this Court has enlarged him on bail in BA No. 1509/2023. The petitioner was arrested on 06.04.2023 and since then, he is in custody.

Considering the above and the period of detention of the petitioner in custody since 06.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Kharupetia P.S. Case No. 86/2023. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner namely, **Shar Ali @ Md. Sahar Ali**, be released on bail in said Kharupetia P. S. Case No. 86/2023 on furnishing a bail bond of Rs. 30,000/- with 2 (two) local sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldai on conditions that the petitioner – **(i)** shall appear before the concerned Investigating Officer of said Kharupetia P. S. Case No. 86/2023 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of Kharupetia Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case, **(iii)** shall not hamper with

the investigation or tamper with the evidence of the case and **(iv)** 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 officer, failing which, the bail granted to him in the aforesaid Kharupetia P. S. Case No. 86/2023 shall stand automatically vacated.

Bail application accordingly stands allowed.

JUDGE

Comparing Assistant