

GAHC010102862023



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

Case No. : Bail Appln./1702/2023

SAIFUL ISLAM
S/O NABUR ALI
R/O VILL- TAPAJULI PATHAR
P.S. KALGACHIA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD A S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

24-05-2023

Heard Mr. A.S.Ahmed, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 CrPC, the petitioner, namely, **Saiful Islam**, is seeking bail in connection with Hajo Police Station Case No. 269/2023 registered under Sections 420/406/34 IPC wherein he was arrested on 14.04.2023 and since then, he is in custody.

As per the FIR of the case dated 14.04.2023, one Prakash Agarwala, resident of Paltanbazar, Guwahati on 13.04.2023 lodged a written ejahar at Ramdia Police Out-Post under Hajo Police Station stating that one Altaf Hussain since last 5 to 6 days had discussed with him that he will be able to give parcel of land at Changsari near AIIMS, and told him that said land belongs to one of his relatives. On 12.04.2023, said Prakash Agarwala sent his nephew Dipak Surekha to the Circle Office, Hajo with Altaf Hussain with an amount of Rs. 10,00,000/- to execute an agreement for sale relating to the said land. However, said Altaf Hussain showing some difficulties did not stop his vehicle at the Circle Office, Hajo and brought his nephew to the resident of one Rahim Ali at Milpara, Satlabori, i.e., the alleged owner of said land and on the said date, i.e., 12.04.2023 at 03:00 pm, in presence of Ashad Ali, son of Rahim Ali, said amount of Rs. 10,00,000/- was taken away from said Dipak Surekha (nephew of the informant) by Altaf Hussain, Saiful Ali, Jamal Ali, Siraf @ Jonab Ali and one lady who covered her face and they fled away from the said place. Thereafter, his nephew, Dipak Surekha informed the local people about taking away of his money and accordingly, lodged the said FIR before Ramdia Police Out-Post to recover the said amount and police during the investigation of the case, recovered an amount of Rs. 1,00,000/- from the house of Saiful Ali of Bhelkar and further, Baser Ali and Rafikul Ali were arrested from Barpeta District.

Said FIR was lodged before the Ramdia Police Out-Post and accordingly, the same was registered as Hajo P.S. Case No. 269/2023 under Sections 420/406/34 IPC.

Perused the case diary placed before the Court that is placed by Mr. Goswami, learned Additional Public Prosecutor, Assam.

It is seen from the case diary that the petitioner along with two other accused persons, namely, Rafikul Islam and Baser Ali were arrested on the same day on 14.04.2023 and later, one Ashad Ali was also arrested in the said case.

Considering the period of detention of the petitioner in custody since 14.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted in said Hajo P.S. Case No. 269/2023. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Saiful Islam**, be released on bail in said Hajo P.S. Case No.

269/2023 on furnishing a bail bond of Rs. 40,000/- with 2 (two) local sureties of like amount to the satisfaction of the learned Judicial Magistrate First Class, Hajo on conditions that the petitioner shall – **(i)** appear before the concerned Investigating Officer of said Hajo P.S. Case No. 269/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of Hajo Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case, **(iii)** not hamper with the investigation or tamper with the evidence of the case and **(iv)** 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/her from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Hajo P. S. Case No. 269/2023 shall stand automatically vacated.

Bail application accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant