

GAHC010107432023



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

Case No. : Bail Appln./1774/2023

MD. MIRAJ ALI
S/O MD. AMIR ALI, R/O VILL-KHANJAN, P.O.-KAKILAGURI, P.S.-NORTH
LAKHIMPUR, DIST-LAKHIMPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22/06/2023

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

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Md. Miraj Ali**, seeking bail in connection with **Laluk P.S. Case No. 12/2023** registered under Section 395 IPC corresponding to G.R. Case No. 72/2023, wherein he was arrested on 04.05.2023 and since then he is in custody.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

As per the FIR of the case, the informant on 24.01.2023 lodged an FIR stating that in the predawn period of 24.01.2023, some unknown miscreants around 6/7 persons entered into the house of the complainant by breaking open the house with sharp weapon and looted cash amount of more than Rs.11,00,000/- along with armaments of more than worth of Rs.6,00,000/- from his house.

Accordingly, said FIR was registered as Laluk P.S. Case No. 12/2023 under Section 395 IPC.

During investigation of the case, the accused petitioner along with some others was apprehended.

Case diary reveals that the petitioner was found to be involved in the case, who broke open the house of the complainant on the day of the incident.

Mr. M P Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that some amount of cash has been recovered from the co-accused of the case.

Mr. Khanikar, learned counsel for the petitioner submitted that the co-accused of the case arrested along with the petitioner has already been released on bail.

Considering the above and the period of detention of the petitioner in custody since 04.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Laluk P.S. Case No. 12/2023. As such, this bail application of the petitioner in said Laluk P.S. Case is accepted.

Accordingly, the petitioner, namely, **Md. Miraj Ali**, be released on bail in said **Laluk P.S. Case No. 12/2023** registered under Section 395 IPC on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Laluk P.S. Case No. 12/2023 on every Monday during the 1st half of the office hours between 10:00 AM to 01:00 PM in the week commencing from 03.07.2023 for the next 8 (eight) weeks and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Laluk 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Laluk P.S. Case No. 12/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant