

GAHC010110532023



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

Case No. : Bail Appln./1809/2023

ALTAF ALI @ RAMPU ALI
S/O- SRI AFSAR ALI, R/O- HOUSE NO. 35, BISHNUJYOTI PATH, HATIGAON,
P.S. HATIGAON, DIST. KAMRUP, ASSAM, PIN- 781038.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.06.2023

Heard Mr. T. Deuri, learned counsel appearing for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, namely, Sri Altaf Ali @ Rampu Ali who is seeking bail in

connection with Hatigaon P.S. Case No. 166/2023 registered under Sections 341/326/307 of IPC. The petitioner was arrested on 01.05.2023 and since then he has been in custody.

3. The learned counsel for the petitioner submits that by an FIR dated 01.05.2023 was lodged by the informant, one Jagadish Gogoi, wherein it was alleged that the petitioner who was the accused person, had assaulted the informant with a sharp weapon causing injuries and had also threatened him. Because of the injuries sustained, the informant was treated in Gauhati Medical College and Hospital through the Hatigaon Police. It is submitted by the learned counsel for the petitioner that there was some quarrel with the informant but no assault as such was caused as alleged in the FIR. Learned counsel for the petitioner further submits that the informant and the petitioner are known to each other since several years past and no such enmity exist between the petitioner and the informant as alleged in the FIR.

4. This Court by earlier order dated 24.05.2023 had called for the case dairy. And Mr. B. B. Gogoi, learned Addl. P.P has produced the case diary before this Court as called for. Case Diary produced have been carefully perused.

5. From the Injury Report it is seen that the injury sustained by the informant is stated to be simple in nature. The matter is still under investigation and investigation has progressed. The statements of the accused person and other witnesses have been recorded.

6. No materials are also seen to suggest that release of the petitioner on bail at the stage will hamper the further investigation. Considering the progress of investigation carried on and also in the absence of any specific materials to suggest that release of the petitioner on bail at this stage will cause impediment to the investigation carried on and upon hearing the learned counsels for the parties and upon due perusal of the case dairy and also taking into account the period of detention undergone by the petitioner, this Court is of the view that the prayer for bail made by the petitioner can be allowed.

7. Accordingly, petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.25,000/- (Rupees twenty five thousand) only with one local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Kamrup (M). The bail, granted however, subject to the following conditions:-

- i) The petitioner shall continue to appear before the police and cooperate with the Investigating Officer as and when required, till completion of investigation.
- ii) The petitioner shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Kamrup (M).
- iii) That the petitioner shall not hamper or

tamper with the investigation in any manner; and

iv) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness 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 in connection to this Police Station Case.

8. If any of the conditions are found to be violated by the petitioner then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

9. With the above direction, the bail petition is accordingly allowed and disposed of.

10. Return the Case Dairy.

JUDGE

Comparing Assistant