

GAHC010110982023



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

Case No. : Bail Appln./1816/2023

HAIDAR HUSSAIN @ AHMED HUSSAIN
S/O AKHLISUR RAHMAN
VILL- PABHIJURI, P.S. MURAJHAR
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

27.06.2023

Heard Mr. A.M. Khan, learned counsel for the accused petitioner. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused/petitioner, namely

Haidar Hussain @Ahmed Hussain has prayed for grant of bail in connection with **Session(2) Case No. 44/2023** under Sections **395/397/34** of the IPC read with Sections **25(1)(a)/27** of the Arms Act pending in the Court of learned Sessions Judge, Hojai corresponding to **G.R. Case No. 586/2011** (arising out of **Murajhar P.S. Case No.100/2011**).

The scanned copy of case record, as called for, is placed before the Court.

The FIR reveals the allegation that on 24.05.2011 at about 8 p.m., a group of 7/8 dacoits including the accused petitioner with arms entered into the house of the informant's nephew, namely Md. Samsul Islam and looted cash amount of Rs.20,000/-, 4 tola gold approximately valued at Rs.1 lakh and 7 kg Agarwood. It has been alleged that when the victim after recognizing the present accused, snatched the gun from his hand, the other dacoits attacked him with sharp weapons like khukri and dagger causing serious injuries on different part of the body as well as caused injury on his throat with gunshot. Thereafter, the group of dacoits fled away leaving 8 nos. of bullets, one handmade pistol and a torch light.

A perusal of the case record shows that the accused petitioner was initially arrested and detained in connection with Murajhar P.S. Case No. 72/2011 under Sections 341/302/34 of the IPC and thereafter, produced before the committal Court. He was remanded in police custody for 3 days. The accused petitioner was released on bail in connection with the instant case on completion of the statutory period of detention of 90 days on 07.03.2012. After completion of investigation, the police submitted charge-sheet against the present accused and 8(eight) others. Thereafter, the accused petitioner did not appear before the learned committal Court and as such, the case against other co-accused

persons were split up and committed to the Court of learned Sessions Judge as the offences charge-sheeted were sessions triable vide order, dated 01.04.2017. The record shows that due to non appearance of the accused petitioner and having received the report that he was not found in his given address, the learned committal Court issued NBWA along with P &A against him vide order, dated 12.10.2017. Coercive steps were continued to compel the appearance of the accused petitioner. Ultimately, it was reported that the present accused petitioner was also arrested and detained in connection with Doboka P.S. Case No.71/2023 under Sections 447/380 of the IPC. The case record further shows that the accused was produced before the learned committal Court on 17.03.2023 on the strength of production warrant issued by the Court vide order, dated 16.03.2023. The order sheet of the case record apparently shows that the accused petitioner is a habitual offender who has been reportedly involved in other serious cases and in the instant case too, his conduct is not satisfactory at all.

Therefore, this Court is of the considered opinion that if the liberty of bail is granted to the accused petitioner, there is every chance of him escaping the course of justice and hampering the smooth and speedy trial of the case.

Accordingly, the bail application of the accused petitioner stands rejected.

This disposes of the bail application.

JUDGE

Comparing Assistant