

GAHC010111052023



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

Case No. : Bail Appln./1843/2023

SAYDUR RAHMAN
S/O- MD. ABDUL AHAD, VILL- BORJARONI (MOUZABASTI), P.S. GINGIA,
P.O. BORJARONI, DIST.- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : M PATHAK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 16.06.2023

Heard Mr. M. Pathak, learned counsel appearing for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, namely, **Saydur Rahman** seeking bail in connection with

Gingia P.S. Case No. 08/2023 registered under Sections 302 of IPC. The petitioner was arrested on 18.04.2023 and since then he has been in custody.

3. It is submitted that an FIR dated 30.01.2023 was lodged by the informant alleging that her husband had gone out for work to Gingia Centre on 27.01.2023 in morning hours, but he did not return home that day. On 28.01.2023 at about 7.30 am, a co-villager informed her that the dead body of her husband was lying at No.2. Borjaroni. It is alleged that the husband has been killed by causing injuries by sharp weapon by some culprits.

4. It is submitted that the petitioner is not connected with any of the offences alleged but however, he was arrested on 18.04.2023 in connection with the aforementioned case and since then he has been in custody.

5. The said FIR was received and registered as Gingia P.S. Case No. 08/2023 registered under Sections 302 of IPC.

6. Investigations commenced in the matter and the petitioner was arrested in connection with the aforementioned case on 02.05.2023 and since then he has been in custody.

7. This Court had vide earlier order dated 29.05.2023 had called for the case dairy. Mr. R. J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam has produced the case dairy before this Court, which has been carefully perused. It is submitted by the learned Addl. P.P. that

although the petitioner was arrested because the mobile tower location indicated his presence at the site of the incident. However no such specific evidence against the petitioner is available with the Investigating Officer at the stage of investigation.

8. Considering the fact no specific materials are available against the petitioner in the case diary which incriminates the petitioner at the stage of investigation and also considering the fact the petitioner has been in custody since 18.04.2023, this Court is of the view that further custodial detention of the petitioner does not appear to be necessary during the investigation of the present case.

9. Accordingly, the petitioner is directed to be released on bail subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Biswanath Chariali. 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 her residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Biswanath Chariali.

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.

10. 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.

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

12. Return the Case Dairy.

JUDGE

Comparing Assistant