

GAHC010113472023



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

Case No. : Bail Appln./1850/2023

JAHER ALI
S/O- ASAN ALI, R/O- VILL NO. 3 BAGHMARA, P.S. ALUPATY, DIST.-
BARPETA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

12-06-2023

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

By this application under Section 439 CrPC, the petitioner, namely, **Jaher Ali** is seeking

bail in Jogighopa P.S. Case No.126/2023 registered under Section 379 IPC corresponding to NGR No.334/2023, wherein he was arrested on 29.04.2023 and since then, he is in custody.

As per the FIR of the case lodged by the informant on 25.04.2023 before the Officer-in-Charge of Jogighopa Police Station alleging that his Hero Glamour Motorbike bearing Registration No.AS-19M/8936 that was parked in the Kabaitary Weekly Market around 8:30 pm was stolen and inspite of his best effort he could not recover his said Bike. Accordingly, Jogighopa P.S. Case No.126/2023 under Section 379 IPC was registered.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the said Motorbike of the informant that was stolen, was recovered from the possession of the petitioner on 26.04.2023, on being led by another accused Kurban Ali.

Petitioner is in custody since 29.04.2023 in said Jogighopa P.S. Case No.126/2023 and the stolen Motorbike has also been recovered.

Considering the above and the period of detention of the petitioner in custody since 29.04.2023 and also the fact that the stolen Motorbike has already been recovered, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Jogighopa P.S. Case No.126/2023. As such, this bail application of the petitioner in said Jogighopa P.S. Case is accepted.

Accordingly, the petitioner, namely, **Jaher Ali**, be released on bail in said Jogighopa P.S. Case No.126/2023, on furnishing a bail bond of Rs.50,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Judicial Magistrate, First Class, North Salmara, Abhayapuri on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Jogighopa P.S. Case No.126/2023, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Jogighopa 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)** he shall 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 Jogighopa P.S. Case No.126/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant