

GAHC010115462023



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

Case No. : Bail Appln./1872/2023

ABUL KALAM AZAD
S/O- LATE ABDUL JABBAR, R/O- VILL- JORSHIMULI, P.S. CHHAYGAON,
DIST.- KAMRUP, ASSAM

VERSUS

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

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16-06-2023

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Ms. R. Deka, 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, **Abul Kalam Azad** is seeking bail in **Chhaygaon P.S. Case No.235/2023** registered under Sections 379/411 IPC, wherein, he was arrested on 15.05.2023 and since then, he is in custody.

As per the FIR of the case lodged by the informant on 16.05.2023 before the officer-in-charge of Chhaygaon Police Station stating that on the basis of specific information 460 bags of rice containing approximately 49 Kgs. each recovered from the Godown of the petitioner at Jorshimuli and it was suspected that the petitioner collected those rice from smuggler or stolen rice.

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

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that there is no such finding till date as to whether, the rice that were recovered from the godown of the petitioner was PDS rice/mid-day-meal rice or other public distribution rice. However, Mr. Goswami submitted that the petitioner failed to place any relevant documents as to whether, from where he procured those rice stored in his godown.

It is also submitted by the petitioner that those 460 bags of rice has already been seized by police and the godown of the petitioner has also been seized.

Considering the materials in the case diary and the period of detention of the petitioner in custody since 15.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said **Chhaygaon P.S. Case No.235/2023**. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Abul Kalam Azad**, be released on bail in said **Chhaygaon P.S. Case No.235/2023**, on furnishing a bail bond of Rs.50,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon, on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said **Chhaygaon P.S. Case No.235/2023**, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Chhaygaon 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 Chhaygaon P.S. Case No.235/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant