

GAHC010127332023



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

Case No. : Bail Appln./2058/2023

SANIDUL ISLAM
S/O LATE BILLAL HUSSAIN
VILL- MAJORCHAR
P.S. ALOPATI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-06-2023

Heard Mr. A. Paramanik, learned counsel appearing on behalf of Mr. A. Ali, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Sanidul Islam** is seeking bail in connection with Nagarbera Police Station Case No. 51/2023 registered under Sections 302/34 IPC, corresponding to G.R.Case No.184 (K)2023 in which he was arrested on 11.05.2023 and since then he is in custody.

As per the FIR of the case dated 02.05.2023, the dead body of the complainant's son was recovered on 30.04.2023 at Bhakhuradia Village. She stated that her son Lalachan Ali on 28.04.2023 left home at around 07:00 am and did not return home and that though she called him over mobile phone but his mobile phone was found to be switched off. Police after registering the FIR conducted the investigation. During the investigation of the case and from the CDR analysis, police recovered the mobile phone of the deceased from the possession of one Abdul Malek.

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

Case diary reveals that it was Rabiya Hussain who was a good friend of the deceased to whom his mobile phone was sold.

After perusal of the case diary and accepting the same, it is found that there was no material in the case diary against the petitioner at this stage.

Considering the above and the period of detention of the petitioner in custody since 11.05.2023, the Court is of the view that that further custodial detention of the petitioner is not warranted to investigate said Nagarbera P. S. Case No. 51/2023. As such, this bail application of the petitioner, named above, is accepted.

Accordingly, the petitioner, namely, **Sanidul Islam**, be released on bail in said Nagarbera P. S. Case No. 51/2023 on furnishing a bail bond of Rs.75,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Boko, Kamrup, on conditions that the petitioner shall- (i) appear before the concerned Investigating Officer of said Nagarbera P. S. Case No. 51/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Nagarbera 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) not, directly or indirectly, make any inducement, threat to anyone of the family members of the complainant or promise to any person acquainted with the

facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Nagarbera P. S. Case No. 51/2023 shall stand automatically vacated.

This bail application of the petitioner stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant