

GAHC010129642023



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

Case No. : Bail Appln./2066/2023

JAMAL SK @ JAMAL MIYA
S/O LATE REZZAK ALI
R/O VILL- BIDYAPARA
P.S. KRISHNAI
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

15-06-2023

Heard Mr. F. Hoque, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

This Bail Application has been filed by the petitioner, namely, Jamal Sk @ Jamal Miya, seeking bail as he was arrested on 08.06.2023 by the order dated 30.05.2023 passed in PRC No.1130/2019 (C.R. No.93/2019 dated 24.03.2019) registered under Sections 304(B)/34 of the IPC by the Court of Chief Judicial Magistrate, Goalpara. The petitioner is in custody since 08.06.2023.

The petitioner was produced before the competent Court on several dates but his prayer for grant of bail has not been accepted by the competent Court. It is submitted by the learned counsel for the petitioner that the next date fixed in the matter is 21.06.2023 and the petitioner, who is a 63 years old man, is a local person and therefore, he is committed to appear before the Trial Court on each and every date as fixed by the concerned Court. Learned counsel for the petitioner submits that because of the illness of the petitioner, he could not appear before the Court on 30.05.2023 and because of which, the competent court issued NBWA against the petitioner.

Mr. B. Sarma, learned Additional Public Prosecutor submits that the petitioner was arrested because on earlier occasions he remained absent for four times.

Perusal of the orders enclosed to the petition shows that although the petitioner did not appear but his counsel appeared before the Court and steps were taken. On 30.05.2023 the counsel for the petitioner appeared and submitted that because of the illness of the petitioner he could not appear before the concerned Court. However, no medical document was submitted before the Court to prove his statement and because of which the competent Court issued NBWA against the petitioner pursuant to which the petitioner was arrested on 08.06.2023 and since then he is in custody.

Having heard the learned counsel for the parties and upon perusal of the pleadings available on the record, this Court is of the view that for the ends of justice and considering the age of the petitioner, this bail petition can be allowed.

Accordingly, the petitioner, named above, is directed to be released on bail in connection with the above noted case, upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with 1 (one) local surety of like amount to the satisfaction of the Chief Judicial Magistrate (CJM), Goalpara, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the competent Court on each and every date, failing which the bail granted by this Court will stand rejected without any further reference to this Court;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioner 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 him from disclosing such facts to the Court or to any police office; and
- (iv) That the petitioner shall not leave the jurisdiction of Goalpara without obtaining prior written permission from the Investigating Officer of the case.

In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the bail granted to the

petitioner.

The Bail Application is accordingly allowed and disposed of.

JUDGE

Comparing Assistant