

GAHC010134942023



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

Case No. : Bail Appln./2155/2023

JAYNAL ABEDIN
S/O- TALEB ALI, R/O- VILL- DHANBARI, P.S. DHUPDHARA, DIST.-
GOALPARA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 13-07-2023

Heard Mr. A. Ahmed, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State of Assam.

2. By this application under section 439 Cr.P.C., the petitioner namely, Jaynal Abedin, who was arrested on 08.06.2023, is praying for regular bail in connection with Guwahati GRPS Case No. 47/2023, under sections 328/379 of

I.P.C.

3. The learned Additional Public Prosecutor for the State has produced the case diary and has opposed the bail prayer on the ground that the co-accused has implicated the petitioner of commission of offence.

4. On perusal of the case diary, it appears that although the co-accused, in his statement made before the I.O., has implicated the petitioner, but the investigation carried out so far does not reveal any involvement of the petitioner in the alleged offence. Moreover, the I.O. has not conducted the "test identification" (TIP for short) to find out the involvement of the petitioner in the alleged offence.

5. Accordingly, this Court is inclined to grant the bail to the accused petitioner by providing that the petitioner, namely, Jaynal Abedin be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand only) with one solvent surety of like amount to the satisfaction of the learned C.J.M. Kamrup (M), in connection with Guwahati GRPS Case No. 47/2023, under sections 328/379 of I.P.C. The bail is granted on the following conditions:

(1) The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

(2) 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 Court or to any police officer or temper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

(3) The petitioner shall not obstruct the smooth progress of the

investigation/trial.

(4) The petitioner shall not misuse his liberty in any manner.

(5) The petitioner shall appear before the I.O within 15 days from the date of his release and he shall continue to appear once a month till his personal appearance is dispensed with or charge-sheet is filed, whichever is earlier.

(6) If the petitioner is found involved in any kind of such offence, it would be open to the I.O to apply to the jurisdictional Court for cancellation of the bail of the petitioner.

6. With the observations made above, this bail application stands disposed of.

JUDGE

Comparing Assistant