

GAHC010137412023



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

Case No. : Bail Appln./2206/2023

ZIABUR RAHMAN @ MD. JIABUR RAHMAN
S/O MD. HAZRAT ALI
R/O PADUMPUKHURI
P.S. KASUA DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

23/06/2023

Heard Mr. A Ahmed, learned counsel for the petitioner and Mr. K K Parasar, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Ziabur Rahman @ Md. Jiabur Rahman**, seeking bail in connection with **Mikirbheta P.S. Case No. 90/2023** registered under Sections 120(B)/406/420/468 IPC read with Section 66(C) of I.T. Act corresponding to G.R. No. 720/2023, wherein he was arrested on 25.04.2023 and since then he is in custody.

Petitioner is in custody since last 59 days and the case diary is available with the learned Additional Public Prosecutor, Assam.

The relevant charge-sheet in said Mikirbheta P.S. Case No. 90/2023 is yet to be prepared and filed.

Considering the above and the period of detention of the petitioner in custody since 25.04.2023., the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Mikirbheta P.S. Case No. 90/2023. As such, this bail application of the petitioner in said Mikirbheta P.S. Case is accepted.

Accordingly, the petitioner, namely, **Ziabur Rahman @ Md. Jiabur Rahman**, be released on bail in said **Mikirbheta P.S. Case No. 90/2023** on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, Morigaon on conditions that the petitioner shall – (i) appear before the Investigating Officer of said **Mikirbheta P.S. Case No. 90/2023 on every Monday during the 1st half of the office hours between 10:00 AM to 01:00 PM in the week commencing from 10.07.2023 for the next 8 (eight) weeks** and thereafter, as and when he is required for necessary investigation of the case; (ii) not indulge in any offence or any criminal activities while remaining on bail; (iii) not leave the territorial jurisdiction of the Mikirbheta Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) 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 Mikirbheta P.S. Case No. 90/2023 shall stand automatically vacated.

Bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant