

GAHC010139602023



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

Case No. : Bail Appln./2239/2023

AHMED ALI @ HASAN
S/O LATE ABDUL KARIM
R/O VILL- SHERALIPUR
P.O. LAMAJUAR, P.S. BADARPUR
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 07.08.2023

Heard Mr. A. Ahmed, learned counsel for the accused/petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking

bail by the accused-petitioner, namely, **Ahmed Ali @ Hasan**, in connection with **Badarpur P.S. Case No. 106/2023**(corresponding to **G.R. No. 883/2023**), registered under **Sections 304/506/34 IPC** added **Section 120(B)/302 IPC**.

It is submitted by the learned counsel for the petitioner that charge-sheet has been submitted against the petitioner under Section 302 IPC. But it is an admitted fact that the incident occurred due to an accident, hence, Section 302 IPC is not attracted in this case. It is also submitted that the petitioner has been detained in custody for more than 100 days. By referring the case of (2010) 6 GLR 464 Budhua Baruah vs State of Assam, learned counsel for the petitioner submits that mere filing of charge-sheet should not be a ground for rejecting the prayer of bail, as after filing of charge-sheet there remain nothing for the investigating agency. At the same time, unless the chargesheeted accused is granted bail, he would be deprived of his valuable right for defending his case before the learned trial court. It is further submitted that considering the nature of the case, the prayer of the petitioner may be considered.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State has opposed in granting bail to the petitioner. It is also submitted that in this case charge-sheet has already been submitted. Therefore, the petitioner may approach the learned trial court for seeking regular bail.

I have considered the submissions made by the learned counsel for the parties.

Considering the nature of the offence as alleged in the case, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary. Hence, the prayer for bail is allowed.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Badarpur P.S. Case No. 106/2023(corresponding to G.R. No. 883/2023), registered under Sections 304/506/34 IPC added Section 120(B)/302 IPC**, on furnishing bail bond of **Rs.3 0,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned CJM, Karimganj.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Karimganj, without prior written permission from him;

(b) 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 officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant