

GAHC010141092023



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

Case No. : Bail Appln./2293/2023

RAFIQUL ISLAM @ ROFIKUL ISLAM
S/O ZOHIRUL ISLAM
R/O VILL- JORDANGA BARMANPARA
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 02.08.2023

Heard Mr. M. Rana, 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, **Rafiqul Islam @ Rofikul Islam**, in connection with **Mankachar Police Station Case No. 207/2023**, registered **under Sections 302/34 of IPC**.

It has been submitted by the learned counsel for the accused/petitioner that the petitioner has been detained in custody for last 77 days as on date. It is also submitted that there is no direct evidence against the petitioner. It is alleged in the FIR that the deceased was accompanied with the petitioner on the date of the incident, subsequently, he did not return back home even after two days. Considering the background of the case as well as period of detention, petitioner may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State has opposed in granting bail to the petitioner. It is also submitted that there is no direct evidence against the accused/petitioner. However, in the case diary, postmortem report is available but no injury was found in the body of the deceased. It is further submitted that FSL report has not yet been received and the investigation is still going on. Therefore, prayer of the petitioner may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties. After considering the materials available in the case diary as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Mankachar Police Station Case No. 207/2023**, registered **under Sections 302/34 of IPC**, on furnishing bail bond of

Rs.50,000/- with **two suitable sureties** of the like amount, to the satisfaction of learned CJM, Hatsingimari, South Salmara, Mankachar, Assam.

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

(a) shall not leave the territorial jurisdiction of learned CJM, Hatsingimari, South Salmara, Mankachar, Assam 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.

(c) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

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

Send back the case diary.

JUDGE

Comparing Assistant