

GAHC010146662023



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

Case No. : Bail Appln./2325/2023

HABIBUR RAHMAN LASKAR
S/O- MD. SAYID AHMED LASKAR @ SAYID AHMED, R/O- VILLAGE-
BHELUGURI, P.S. DABAKA, DISTRICT- NAGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR B CHANDA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

18.07.2023

Heard Mr. B. Chanda, learned counsel for the accused petitioner. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely

Habibur Rahman Laskar has prayed for grant of bail in connection with **Dabaka P.S. Case No.117/2023** under Sections **120B/342/348/419/395/427/506** of the IPC read with Section **25(1-a)** of the Arms Act **(Corresponding to G.R. Case No.1078/2023)**.

The case diary, as called for, is placed before the Court.

The FIR reveals the allegation that on 23.05.2023, while the informant was coming from Nagaon towards Doboka by motorcycle, one Raju, who was known to the informant from earlier, took him to the house of one Salam by telling him that it was his own house. It is alleged that said Raju took photograph of the informant with a girl and thereafter, four unknown persons, who introduced themselves as Assam Police Personnel by showing pistol beat him and after snatching away his mobile phone transferred an amount of Rs.50,000/- and then Rs.35,000/- to the accounts of one Sayid Ahmed and the petitioner respectively through G-Pay. The accused persons also snatched away an amount of Rs.35,000/- cash from the informant.

It is noticed that the accused petitioner has been in judicial custody since 27.05.2023, that is, for 53 days.

Perusal of the case diary shows prima facie scanty incriminating material against the accused petitioner, subject, of course, to the final outcome in investigation. The prime accused persons are absconding.

Considering the length of detention and in the backdrop of facts and materials available on the case diary, this Court is of the opinion that further continuation of detention of the accused petitioner may not be required in the interest of the ongoing investigation into the case.

Accordingly, it is provided that the accused petitioner, named above, shall

be released on bail of **Rs.40,000/- (Rupees Forty Thousand)** only with one surety of like amount to the satisfaction of the learned **C.J.M., Hojai** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- ii) That the accused 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 Police Officer or the Court; and
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is accused or suspected of commission.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant