

GAHC010149712023



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

Case No. : Bail Appln./2417/2023

INAMUL HASAN
S/O ABDUL MOZID
R/O VILL AN DP.O. HATIZUZUA
P.S. JAJORI
DIST. NAGAON, ASSAM, PIN-782122

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 27-07-2023

Heard Mr. P. Mahanta, learned counsel for the petitioner.

Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Inamul Hasan, is praying for bail in connection with Nagaon P.S. Case No. 602/2023, under section 120(B)/326/307 of IPC read with section 27(2) of Arms Act as the petitioner is behind bar since 27.06.2023.

The accusation against the petitioner in this case is that on 26.06.2023, at about 8.30 pm when the son of the informant was closing his pharmacy situated at Chalchali, Nagaon, the accused person with intention to kill her son fire shot from a pistol and the caused serious injuries to her son. On receipt of the said FIR Nagaon P.S. Case No. 602/2023 was registered.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated by the first informant in the FIR. It is also stated that there is enmity between the present petitioner and the victim. Learned counsel for the petitioner have also submitted that the petitioner is behind the bar for last 30 days and prays for releasing him on bail taking into consideration of his length of detention.

On the other hand learned Additional Public Prosecutor has placed the case diary and submitted that the victim has suffered injury on his back and the empty cartridges of the bullet was also recovered from the scene of crime. It is also submitted that though the victim has implicated the present petitioner.

I have considered the submission by the learned counsel for both sides also materials on record including the case diary it appears that only on the ground of suspicion levelled against the present petitioner, he is named in the FIR. However apart from suspicion there is nothing in the case diary to implicate the present petitioner with the alleged offence. It also appears that the petitioner has already been detained behind bar for last 30 days.

Considering the materials available in the case diary, this Court is of the opinion

that same are not sufficient to justify to detain the present petitioner behind the bar merely on the basis of suspicion. Moreover, if the present petitioner co-operates with the Investigation Officer, his custodial detention does not appear to be necessary for fair completion of the investigation of the case.

In view of above discussions, the petitioner namely, Inamul Hasan is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand only) with one suitable surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Nagaon in connection with Nagaon P.S. Case No. 602/2023, under section 120(B)/326/307 of IPC read with section 27(2) of Arms Act, on the following conditions:

- (i) That the petitioner shall not directly or indirectly make any threat or promise or induce any persons so as to dissuade him or her from disclosing any facts before the Investigating Officer or Court;
- (ii) that the petitioner shall co-operate with the investigation as and when called for.
- (iii) that the petitioner shall appear before the Investigating Officer Nagaon within 7 days on his release and shall continue to do so as and when required by the I.O for the sake of fair completion of the investigation
- (iv) during the period of investigation, the petitioner shall also deposit his passport to the Court of learned Chief Judicial Magistrate, Nagaon and shall not leave the jurisdiction of the learned Court without prior permission of the learned Chief Judicial Magistrate, Nagaon.

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

JUDGE

Comparing Assistant