

GAHC010151702023



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

**Case No. : Bail Appln./2414/2023**

SAHANUR ALI @ SAHANUR ISLAM  
S/O HAMED ALI  
R/O VILL- CHOKLARPAR  
P.S. HAJO  
DIST. KAMRUP, ASSAM

VERSUS

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

**Advocate for the Petitioner : MR. M ALI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 20.07.2023**

Heard Mr. M. Ali, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Sahanur Ali @ Sahanur Islam, who has been detained behind the bar since 20.05.2023 (since last 61 days) in connection with Hajo P.S. Case No. 360/2023 registered under Section 366(A) of the IPC added Section 387 IPC, corresponding to G. R. No. 433/2023.

The accusation in this case is that on 17.05.2023, one Nur Hussain, who is the brother of the petitioner, lodged a missing information before the Officer In-charge of Hajo Police Station, inter-alia, alleging that his younger brother Sahanur Ali (present petitioner) has been missing since 16.05.2023 and has not returned back home and his phone is also found switched off. It is also stated in the FIR that one unknown person had sent one message demanding Rs. 5 lakh to him.

On receipt of the said FIR, Hajo P.S. Case No. 360/2023 was registered.

Though the case diary was called for, investigating authority has not furnished any cause for not furnishing the case diary.

It has brought to the notice of this court that the forwarding report submitted by the Investigating Officer of Hajo P.S. Case No. 360/2023 before the learned Judicial Magistrate, First Class at the time of forwarding of the present petitioner after his arrest, wherein it is stated that the petitioner concealed himself and he himself demanded Rs. 5 Lakh from his brother.

It is apparent from the forwarding report that no one has abducted the present petitioner and though the informant received a message for demand of money, however, no money has been paid to the present petitioner.

Though, the case diary has not been received, however considering the nature of the allegations and the facts and the circumstances which transpires from the documents on record including the forwarding report and also considering the fact that the petitioner has already been detained behind the bar for the last 61 days, his further custodial detention does not appear to be necessary for the sake of fair completion of Hajo P.S. Case No. 360/2023, if the petitioner co-operates with the Investigating Officer.

In view of the above, the petitioner, namely, Sahanur Ali @ Sahanur Islam is allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Judicial Magistrate, First Class, Hajo subject to the following condition that:

1. That the petitioner shall continue to co-operate with the Investigating Officer of this case.
2. The 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 or her from disclosing such facts to the Trial court.

With the above observations, this bail application is accordingly disposed of.

Let the case diary be sent back.

**JUDGE**

**Comparing Assistant**