

GAHC010153842023



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

Case No. : Bail Appln./2478/2023

SAMSUL HAQUE
S/O LATE HABIB ALI
VILL- SADAR GAON
P.O. NIL BAGAN
P.S. MURAJHAR
SUB-DIVISION- HOJAI
DIST.NAGAON, ASSAM
PIN-782445

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B D DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

11.08.2023

Heard Mr. B.D. Das, learned Senior 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, **Samsul Haque**, in connection with **Murajhar P.S. Case No. 164/2023**, registered under Sections **302/34** of IPC.

It has been submitted by the learned Senior Counsel for the petitioner that the petitioner is no way connected with the alleged offence, as it appears from the FIR that the victim has committed suicide. The petitioner resides far away from the place where the victim last resided. It is further submitted that the petitioner is 65 years old having various ailments. He is suffering from cardiac problem along with some other age related ailment issues. In support of this, the learned Senior Counsel for the petitioner also submitted some medical documents. The learned Senior Counsel also submits that the accused has been detained in custody for last 35 days without committing any offence. Under such backdrop, the petitioner may be allowed to go on bail.

Mr. R.J. Baruah, learned Additional Public Prosecutor has raised objection in granting bail to the petitioner by stating that as the petitioner's name mentioned in the FIR, bail prayer of the petitioner may not be considered at this stage.

Case diary is received and perused the same.

I have considered the submissions of the learned counsel for the parties.

In view of the health condition of the petitioner as well as the materials available in the Case Diary, the prayer of the petitioner is allowed.

In view of the above, the accused-petitioner, named above, shall be released on bail in connection with **Murajhar P.S. Case No. 164/2023**, registered under Sections **302/34** IPC on furnishing bail bond of **Rs.40,000/-** with two suitable sureties of the like amount, to the satisfaction of learned CJM,

Hojai.

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

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

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

(d) 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 case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

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

Return the Case Diary.

The Bail Application stands disposed of.

JUDGE

Comparing Assistant