

GAHC010154602023



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

Case No. : Bail Appln./2474/2023

ABDUL KAIM ALI @ MD. ABDUL KAYIM ALI @ MD ABDUL KAYEM
S/O HAMIDULLAH ALI
VILL- BORIJANI
P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS M BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 31.07.2023

Heard Mr. A. Goni, 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, **Abdul Kaim Ali @ Md Abdul Kayim Ali @ Md Abdul Kayem**, in connection with **Hajo P.S. Case No. 447/2023**, registered under Sections **341/325/307/294/506 IPC**.

It is submitted by the learned counsel for the petitioner that except 307 IPC, all other offences are bailable in nature. He further submits that the informant alleged in the FIR that he was assaulted by the petitioner with a dagger but no such injury was received by the informant, so that Section 307 does not apply in the instant case. He also stated that the petitioner has been detained in custody for 26 days as on date with effect from 06.07.2023, the date of showing arrest of the petitioner in this case. Considering the background of the case as well as the facts as stated in the FIR, petitioner may be enlarged on bail.

Mr. R.J. Baruah, learned Additional Public Prosecutor has raised objection in granting bail to the petitioner. He further submits that the injury report of the victim is not available in the case diary. However, he also stated that no requisition is found in the case diary, to that effect that the victim was sent for medical examination. He further submits that the investigation in this case has not been completed and charge-sheet has not been laid. Therefore, bail prayer of the petitioner may not be considered at this stage.

Case diary is received and perused the same.

Perusal of the case diary, it appears that except 307 IPC, all other offences are bailable in nature and there is no injury report available in the case diary. Considering the materials in the case diary, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Hajo P.S. Case No. 447/2023**, registered under Sections **341/325/307/294/506 IPC** on furnishing bail bond of **Rs.20,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned JMFC, Hajo, Kamrup.

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

(a) shall not leave the territorial jurisdiction of learned JMFC, Hajo, Kamrup, 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.

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

Return the case diary.

JUDGE

Comparing Assistant