

GAHC010161242023



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

Case No. : Bail Appln./2696/2023

FIRDUN ALI
S/O- JAHAN UDDIN SK., VILL- CHAPGARH PART-II, P.S. GAURIPUR, DIST.-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.10.2023

Heard Mr. A.T. Sarkar, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application made under **Section 439 Cr.P.C.**,

seeking bail by the accused-petitioner, namely, **Firdun Ali**, in connection with **Sessions Case No. 36/2023 (arising out of Gauripur P.S. Case No. 437/2022)** pending before the court of learned Additional Sessions Judge, Dhubri.

3. The learned counsel for the accused/petitioner submits that the petitioner has been detained in custody since 03.12.2022. It is also submitted that out of 30 witnesses, 6 witnesses were examined and no one has implicated the present petitioner in this case. It is further submitted that the allegation which are brought against the petitioner are false and concocted. Under such backdrop, learned counsel for the petitioner has prayed that considering the period of detention, bail may be granted to the petitioner.

4. On the other hand, learned Mr. Goswami, learned Addl.P.P. has vehemently opposed in granting bail to the petitioner on the ground that the petitioner is very much involved in this case. It is also submitted that in this case, number of witnesses are yet to be examined. Considering the fact as well as the nature of offence, bail may not be granted to the petitioner at this stage of trial.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of LCR including the statement of the witnesses recorded so far.

6. It appears from the record that the accused has been detained in custody for more than 300 days. In spite of that the case is at the stage of trial and several witnesses are yet to be examined.

7. In view of the aforesaid legal mandates and considering the period of detention, this Court is of the view that the petitioner may be enlarged on bail.

8. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Sessions Case No. 36/2023 (arising out of Gauripur P.S. Case No. 437/2022)** pending before the court of learned Additional Sessions Judge, Dhubri, on furnishing bail bond of **Rs.30,000/-** with **two suitable sureties** of the like amount out of which one of the sureties should be a Government employee, to the satisfaction of learned Additional Sessions Judge, Dhubri, Assam.

9. The direction for bail is further subject to the following condition that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Additional Sessions Judge, Dhubri, Assam, without prior written permission from him/her.

10. The learned Additional Sessions Judge, Dhubri, Assam is at liberty to impose any condition(s) as it deems fit and proper at the time of releasing the accused/petitioner on bail to procure his attendance during trial.

11. The observation made above, shall confine for the purpose of disposal of this bail application only and shall not in any way affect the proceeding of the trial.

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

JUDGE

Comparing Assistant