

GAHC010162032023



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

Case No. : Bail Appln./2575/2023

MANJUR ALI
S/O LATE GOLAP UDDIN
R/O JUGIRMAHAL PART-I,
P.O. GHASHBARI
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

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

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.11.2023

Heard Mr. H. R. A. Choudhury, learned senior counsel assisted by Mr. I. U. Choudhury, learned counsel for the petitioner. Also heard Mr. K. K. Parasara, learned Additional Public Prosecutor for the State of Assam.

This application under section 439 of the Code of Criminal Procedure 1973, has been filed by the petitioner, namely, Manjur Ali, who has been detained behind the bar since 31.07.2022, till he was granted interim bail by this Court on 08.09.2023 in connection with Sessions Case No. 64/2012 pending in the Court of learned Additional Sessions Judge, Bilasipara.

Learned counsel for the petitioner submits that the petitioner is facing trial for offence under Section 341/325/34_of the IPC.

Learned senior counsel for the petitioner submits that the present petitioner was granted interim bail by order dated 08.09.2023 by this Court on the ground of his health condition as he is suffering from neurological problem and as such he was undergoing treatment in Dhubri Civil Hospital.

Learned counsel for the petitioner also submits that interim bail granted to the present petitioner by order dated 08.09.2023 would expire on 18.11.2023 this month. He further submitted that the petitioner has not yet been fully cured and still undergoing the treatment.

Learned counsel for the petitioner has also submitted that in the meanwhile 6 out of 13 listed witnesses have already been examined by the Trial Court and the petitioner is ready to co-operate in the remaining trial, as he is a permanent resident of the Bilasipara.

On the other hand, learned Additional Public Prosecutor has pointed out that out of 6 prosecution witnesses who have been examined by the learned Additional Sessions Judge, in the trial three of them have specifically named the present petitioner in the offence alleged against him.

However, learned Additional Public Prosecutor submits that considering the health condition of the present petitioner he is not opposing the grant of the bail to the present petitioner subject to the condition that certain conditions may be

imposed on the present petitioner, while granting bail.

Considering the submission made by the learned counsel for the parties, the interim bail granted to the petitioner, Manjur Ali, by order dated 08.09.2023 by this Court is hereby made absolute with condition Nos. a & b attached to the said order remaining intact.

If during the pendency of the trial, learned Trial Court deems it proper, it may add any additional condition to the conditions already imposed while granting bail to the present petitioner.

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

JUDGE

Comparing Assistant