

GAHC010163232023



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

Case No. : Bail Appln./2659/2023

MD. FULCHAND ALI AND 2 ORS
S/O AINAL HOQUE, R/O VILL-CHAKRABHITA, P.S.-BARPETA, DIST-
BARPETA, ASSAM

2: MD. MAHIDUL ISLAM
S/O MD. KASEM ALI
R/O VILL-CHAKRABHITA
P.S.-BARPETA
DIST-BARPETA
ASSAM

3: FARIDUL ISLAM
S/O ATOWAR RAHMAN
R/O PUB EALAGI
P.S.-SARTHEBARI
DIST-BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

01.08.2023

This is an application made under Section 439 Cr. P.C. seeking bail by the accused/petitioners, namely, (1) **Md. Fulchand Ali**, (2) **Md. Mahidul Islam** and (3) **Faridul Islam**, who were arrested on 14.06.2023 in connection with Garchuk PS Case No. 173/2023 being registered under Sections 379/411 of Indian Penal Code.

Heard Mr. N. J. Dutta, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

The petitioners were arrested on 14.06.2023 and they are behind bar for last 46 days.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Investigation is almost over and statement of accused has thoroughly been interrogated by the investigating agency. There is no legal evidence against the present petitioners to connect them with the alleged offence. The learned Counsel further submits that the petitioners are in custody since 15.06.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the petitioners on bail.

Learned Additional Public prosecutor for the state has seriously opposed the application and prayed for its rejection.

Looking to the facts and circumstances of the case and on a perusal of the

material available on record and also the advance stage of investigation and period of detention, without commenting on the merits of the case, this Court is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.

It is directed that the petitioners, name above, be released on bail in connection with the case aforementioned, on their furnishing a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati with the following conditions.

- (a) Shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him;
- (b) Shall not hamper with the investigation of the case and 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 them from disclosing such facts to the Court or to any police office.

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

JUDGE

Comparing Assistant