

GAHC010163892023



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

Case No. : Bail Appln./2644/2023

SOBAHAN ALI AND ANR
S/O ABBAS ALI
VILL- BANGALIPARA PT.I
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

2: HAZRAT ALI
S/O SIRAJUDDIN AHMED
VILL- BANGALIPARA PT.I
P.S. BILASIPARA
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11.08.2023

Heard Mr. S. Munir, learned counsel for the petitioners. 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-petitioners, namely, **Sobahan Ali and Hazrat Ali**, in connection with **Bilasipara Police Station Case No. 391/2022**, registered under **Sections 143/325/326/302 IPC**.

It has been submitted by the learned counsel for the accused-petitioners that the accused-petitioners have been detained in custody since 17.07.2023. It is also submitted that the petitioners are only participated in the mob but they did not assault or inflict any injury to anyone. Considering the nature of offence as stated in the FIR, petitioners may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State has submitted that in the case diary, there is no direct implication against the accused/petitioners. It is also submitted that the investigation is still going on so that the prayer of the accused/petitioners may not be considered at this stage.

I have considered the submissions made by the learned counsel or the parties.

I have also perused the case diary. Admittedly, the accused/petitioners were present in the mob. Considering the materials in the case diary as well as the fact, further custodial detention of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Bilasipara Police Station Case No. 391/2022**, registered under **Sections 143/325/326/302 IPC**, on furnishing bail bond

of **Rs.20,000/- each** with **two suitable sureties each** of the like amount, to the satisfaction of learned SDJM, Bilasipara, Dhubri.

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

(a) shall not leave the territorial jurisdiction of learned SDJM, Bilasipara, Dhubri, without prior written permission from him/her;

(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 their release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

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

Return the case diary.

JUDGE

Comparing Assistant