

GAHC010164292023



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

Case No. : Bail Appln./2592/2023

MD. MOJIT ALI @ MAJID ALI SHEIKH
S/O LT. JAHER ALI
VILL- BELTOLA, BANGALDOBA PT.II
P.O. NAYEKGAON
P.S. KOKRAJHAR
DIST. KOKRAJHAR, ASSAM
PIN-783376

VERSUS

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

Advocate for the Petitioner : MR R SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 08.08.2023

Heard Mr. R. Sarkar, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Md. Mojit Ali @ Majid Ali Sheikh*,

who was arrested on 16.06.2023 in connection with Kokrajhar P.S. Case No. 222/2023 under Sections 143/342/325/323/307/354/379 of IPC.

The accusation in this case is that on 14.06.2023, one Sanowar Hussain, lodged an FIR before the Officer-in-Charge of Kokrajhar Police Station, *inter alia*, alleging that the accused persons named in the FIR had assaulted the father of the first informant due to an altercation regarding approval of PMAY-G House. It is also alleged that the accused persons named in the FIR had tried to kill the father of the first informant by tying with a rope around his neck and they also snatched away Rs.5,000/- and some other documents from the first informant.

Learned counsel for the petitioner submits that though there was some altercation between the present petitioner and the informant and his father, it was the father of the first informant who came to the residence of the accused persons and in this regard an altercation occurred. It is also submitted that a cross FIR has also been lodged in this connection by one Musst. Sahera Bibi. who is the wife of the present petitioner.

Learned Additional Public Prosecutor has placed the case diary of Kokrajhar P.S. Case No. 222/2023 which was called in connection with this case and submitted that there are incriminating material against the present petitioner in the case diary and has opposed to grant of bail to the present petitioner. However, considering the fact that the present petitioner has been detained behind the bar since last 53 days and as well as statement of the witnesses were stated to be injured have already been recorded by the Investigating Officer, in spite of the fact, there are incriminating materials against the present petitioner, this Court is of considered opinion that further custodial detention of the present petitioner may not be necessary for fair completion of the investigation of this case, if he cooperates with the Investigating Officer.

In view of the above, the present petitioner, namely, *Md. Mojib Ali @ Majid Ali Sheikh* is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kokrajhar, subject to the condition:-

- (i) That the petitioner 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 or her from disclosing such facts before the Investigating Officer or to any Court.

With the above observations, the instant bail application is hereby disposed of.

JUDGE

Comparing Assistant