

GAHC010167652023



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

Case No. : Bail Appln./2713/2023

MD. MUSTAKUDDIN AHMED @ MUSTAK UDDIN AHMED@ MUSTAK
AHMED
S/O LATE IMAN ALI
R/O VILL- NO. 1 AHMEDPUR
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

CENTRAL BUREAU OF INVESTIGATION
REP. BY PUBLIC PROSECUTOR CBI

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SC, CBI

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

14.08.2023

Heard Mr. H.R.A. Choudhury, learned Senior counsel, assisted by Mr. E. Ahmed for the petitioner. Also heard Mr. M. Haloi, learned Special Public Prosecutor, CBI.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Mustakuddin Ahmed @ Mustak Uddin Ahmed @ Mustak Ahmed, who have been detained behind the bars since 27.05.2023 in connection with CBI Case No. RC05020230S0003/CBI/SC.II/ND arising out of North Lakhimpur P.S. Case No. 183/2023 under section 120(B)/395/397/342/387 of the Indian Penal Code.

This is for the second time the present petitioner is approaching this Court under section 439 of the Code of Criminal Procedure, 1973. His earlier application was rejected on 24.07.2023 in Bail Application No. 2051/2023.

Learned Senior counsel for the petitioner has submitted that the second application has been filed mainly on the ground of lapse of time after rejection of the earlier application.

It is also submitted by learned Senior counsel for the petitioner that the petitioner that another accused namely, Dildar Hussain, who was similarly placed to that of the present petitioner has already been granted bail by this Court in Bail Application No. 2818/2023 by today itself.

On the other hand, learned Special Public Prosecutor submits that the investigation has fairly progressed and CBI is going to laid charge-sheet at the earliest.

It is also submitted that the role of the present petitioner is mainly that he had shown the house of the complainant to the accused no. 1 and other accused to accompany him and he was also present at the place where the monetary transactions took place between accused no. 1 and the co-accused as well as the complainant.

It is also submitted that the present petitioner is the FIR named accused.

I have considered the submissions of learned counsels for both sides and

have perused the materials on record including the case diary of the connected CBI case.

It appears that though the earlier bail application of the present petitioner was rejected on 24.07.2023, however since then 21 days has lapsed and in the meanwhile, investigation has progressed and as per submission of learned Special Public Prosecutor, the CBI is ready to file the charge-sheet shortly.

In view of said submission, considering the length of detention already undergone by the present petitioner, i.e. 80 days and also considering the fact that one of co-accused, who was similarly placed like that of the present petitioner has already been granted bail.

This Court is of the considered opinion that custodial detention of the present petitioner may not be necessary for fair completion of the investigation of the connected CBI Case.

The petitioner, namely, Md. Mustakuddin Ahmed @ Mustak Uddin Ahmed @ Mustak Ahmed is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, North Lakhimpur with condition that he shall continue to co-operate with the Investigating Officer of the said case.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant