

GAHC010175822023



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

Case No. : Bail Appln./2818/2023

MD. DILDAR HUSSAIN
S/O- LATE ABDUL RASHID, R/O- VILL. NO. 1 MIRI GAON, P.S. BIHPURIA,
DIST. LAKHIMPUR, ASSAM, PIN- 784161.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:THE CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR
CBI

Advocate for the Petitioner : MR. T K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 14.08.2023

Heard Mr. T. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. M. Haloi, learned Special Public Prosecutor for the CBI.

This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Md. Dildar Hussain* who is detained behind the bar since 02.06.2023 in connection with North Lakhimpur P.S. Case No. 183/2023 registered under Section 120(B)/395/397/342/387 of

IPC.

The accusation in this case is that on 12.05.2023, one Musst. Amina Khatun, lodged an FIR before the Officer-in-Charge of North Lakhimpur Sadar Police Station, *inter alia*, alleging that on 06.05.2023 at about 2.00 a.m., the accused persons named in the FIR had beaten up her son, namely, Ajgar Ali and forcefully snatched away a sum of Rs.80,000/- and other documents and some golden ornaments thereafter, drag the son of the first informant out of his house. Later on, the accused persons named in the FIR also took away one Maruti Brezza Car of the elder son of the first informant and asked the informant to pay a sum of Rs.6 Lakhs to get the release of her son- Ajgar Ali as well as Maruti Brezza Car. Accordingly, an amount of Rs.90,000/- was paid by UPI mode to one of the accused, namely, Md. Riyajul Islam and remaining was also paid in cash to the accused persons. On receipt of the said FIR, North Lakhimpur P.S. Case No. 183/2023 as registered.

The learned counsel for the petitioner has submitted that the present petitioners had only shown the house of the first informant to the accused persons as the accused persons also involved one Police Officer i.e. accused No. 1, who was an S.I. of Police at that time and, therefore, he was compelled to obey the directions of the said Police Officer who asked her to show the house of the complainant.

The learned counsel for the petitioner has also submitted that the present petitioner has no role in the offence alleged in the FIR and he is also not a named accused in the FIR and no specific allegations are made against him in the FIR.

On the other hand, learned Special Public Prosecutor has produced the case diary of North Lakhimpur P.S. Case No. 183/2023 corresponding to CBI

Case No. RC05020230S0003/CBISC.II ND and submits that on perusal of the case diary it appears that the role of the present petitioner is only to the extent that he had only shown the house of the complainant to the accused persons only, one of whom was a Lady Police Officer.

Learned Special Public Prosecutor also submits that the present petitioner also accompanied with the accused persons including the Police Officer to the place where the transaction of money was taken place. Learned Special Public Prosecutor has also submitted that the statement of the present petitioner has already been recorded under Section 161 Cr.P.C.

Considering the submissions made by learned counsel for the petitioner as well as Special Public Prosecutor as well as considering the fact that the present petitioner's statement under Section 161 Cr.P.C. has already been recorded and he has been detained behind the bar since last 72 days, this Court is of considered opinion that his further custodial detention does not appear to be necessary for fair completion of the investigation of the North Lakhimpur P.S. Case No. 183/2023 and connected CBI Case. Hence, the present petitioner, namely, *Md. Dildar Hussain* 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, North Lakhimpur with a condition that he shall continue to cooperate with the Investigating Officer of the said case.

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

JUDGE

Comparing Assistant