

GAHC010179842023



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

Case No. : Bail Appln./2877/2023

ABDUL AZAD
SON OF LATE ABDUL LATIF, R/O- VILLAGE- BOALIA, P.O.
RADHAMADHAB HAT, P.S. MANKACHAR, DIST.- SOUTH SALMARA
MANKACHAR, ASSAM, PIN- 783131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. RASHIDUL ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

24.08.2023

Heard Mr. R. Islam, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, **Abdul Azad**, who is languishing in jail hazot since 29.05.2023, in connection with the **Mankachar**

P.S. Case No. 188/2023, under Sections 147/148/149/447/427/302 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Akidul Islam, on 28.04.2023. The essence of allegations made in the FIR is that on 27.04.2023, at about 8.30 pm, one Atarul Islam; Akhirul Islam; Abdul Azad; Lipi Sultana; and Mofidul Islam entered into the house of the informant, being armed with dao, dagger, iron rod and batam, assaulted him and his sister Azima Khatun. As a result, his sister sustained grievous injuries on her person and she succumbed to the injuries while she was taken to the hospital.

4. Mr. Islam, learned counsel for the accused submits that the accused was arrested on 29.05.2023, and since then he has been languishing in jail hazoot for last 88 days and that further custodial detention of the accused is unwarranted here in this case and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor submits that the IO has collected sufficient incriminating materials against the accused person and the IO has achieved substantial progress in the investigation. To a pointed query of this Court, Mr. Barua submits that there is no likelihood of filing charge sheet within the next 2 days, by the IO.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. Barua, learned Additional Public Prosecutor.

7. It appears that the accused has been arrested in this case on

29.05.2023, and since then, he has been languishing in jail hazoot for last 88 days. Further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation and in the interest of the investigation, further custodial detention of the accused seems to be unwarranted here in this case. And accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, South Salmara Mankachar, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant