

GAHC010181482023



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

Case No. : Bail Appln./2869/2023

IMRAN HUSSAIN AND ANR
S/O LT. ABDUL MONAF R/O VILL. BOTORASHI P.S AND DIST. KARIMGANJ
ASSAM

2: JABED HUSSAIN
S/O LT. ABDUL MONAF R/O VILL. BOTORASHI P.S AND DIST. KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N J DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 17.08.2023

Heard Mr. N.J. Das, learned counsel for the petitioners. Also heard Ms. S.H. Bora, learned APP appearing for the State.

By this application under Section 439 Cr.P.C., the petitioners, namely, (1)

Imran Hussain, and (2) Javed Hussain, who were arrested on 22.06.2023, are seeking regular bail in connection with Karimganj PS Case No. 473/2023 under Sections 457/380/413 IPC.

As per the FIR, the petitioners were arrested while escaping after committing theft in the house of informant and the people chased them and detained them and handed them over to the police. As per the FIR, the petitioners were involved in several different theft incidents. As per the forwarding report of the three accused apprehended, it appears that the petitioners are habitual offenders in connection with various reported and unreported cases. Therefore, it appears that there are sufficient incriminating materials against the petitioners.

The learned APP has opposed the prayer for bail and prays for some time to produce the case diary.

However, considering the fact that the petitioners were in custody since 22.06.2023 and have spent 56 days in custody, the Court is of the considered opinion that further custodial interrogation of the petitioners is not required. Accordingly, considering the length of detention, this Court is inclined to release the petitioners named above on bail in connection with the case aforementioned on furnishing bail bond of Rs.30,000/- each with one suitable surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Karimganj on the following conditions:

1. That the petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.
2. That the petitioners 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 Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

3. That they shall not obstruct the smooth progress of the investigation/trial.
4. That the petitioners shall not misuse their liberty in any manner.
5. That the petitioners shall not jump over the bail.
6. That the petitioners shall appear before the I.O. once in every fortnight till their appearance is dispensed with by the I.O., or filing of the charge-sheet, whichever is earlier.

This bail application stands disposed of.

JUDGE

Comparing Assistant