

GAHC010182592023



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

Case No. : Bail Appln./2940/2023

SHAIZUL ISLAM
S/O NOBOR UDDIN
R/O VILL- CHIRAKHOWAR PART-III,
(SANDBLOCK), P.O. JHARNER CHAR
P.S. FAKIRGANJ, DIST. DHUBRI, ASSAM
PIN-783339

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

26.09.2023

Heard Mr. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Shaizul Islam, who has been detained behind the bars since 04.08.2023 (since last 54 days) in connection with GRPS Case No. 91/2023 under Sections 328/379 of the Indian Penal Code, 1860.

The accusation in this case is that on 24.06.2023, one Sowid Gazibur Rahman lodged an FIR before the Officer-In-Charge of GRP Out Post, Kamakhya, *inter-alia* alleging that on 21.06.2023, when the first informant arrived at Kamakhya Railway Station at about 7:30 PM, he took railway ticket from the ticket counter to travel to Barpeta. He met three persons one of them was a lady and after conversation with them, he also came to know that they are also going to Barpeta. It is stated in the FIR that at 9:30 PM, the petitioner boarded on Intercity Express along with the persons with whom he is acquainted at the Railway Station and they have offered to him some biscuits and after taking which he felt asleep and after he was awake, he noticed that he reached Alipurduar station and met persons who were accompanied with him were not there and he was not having his money, cloths, mobile handset as well as ATM Card. Later on, he found that his ATM Card was used to withdraw Rs. 25,000/- from the SBI accounts and UPI ID was also used to withdraw Rs. 6,000/-.

On receipt of the said FIR, GRPS Case No. 91/2023 was registered.

Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars since last 54 days and considering the long period of detention, he has prayed for allowing the petitioner to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of GRPS Case No. 91/2023, which was called for and it is submitted that on perusal of the case diary it appears that there are incriminating

materials against the present petitioner. However, the learned Additional Public Prosecutor has submitted that the investigation has fairly progressed. However, it has not yet been completed.

I have perused the case diary and considered the submissions made by learned counsel for both the parties.

Considering the submissions and considering the progress in the investigation as well as period of detention already undergone by the present petitioner, this Court is of the considered opinion that further custodial detention of the present petitioner may not be necessary for fair completion of the investigation of the GRPS Case No. 91/2023.

In view of above, the petitioner, namely, Shaizul Islam is 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, Kamrup (M) with condition that he shall co-operate with the Investigating Officer of the case till fair completion of the investigation.

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

Send back the case diary.

JUDGE

Comparing Assistant