

GAHC010188412023



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

Case No. : Bail Appln./2956/2023

RINKU ALI
S/O MD. BADIR ALI
R/O VILL- CHENGA MOSOLMAN GAON, P.S. SARTHEBARI,
DIST. BARPETA, ASSAM
PIN-781305, PRESENTLY RESIDING AT CHACHAL, P.O. HENGRABARI, P.S.
DISPUR, GUWAHATI, DIST. KAMRUP (M), ASSAM, PIN-781036

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S N TAMULI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01-09-2023

Heard Mr. S.N. Tamuli, learned counsel for the accused/applicant. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

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

1973, is preferred by accused/applicant, namely, Rinku Ali, who has been languishing in jail hazot since 04.08.2023 in connection with the Dispur P.S. Case No.873/2023, under Section 356/379 of the IPC, for granting bail.

It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Smti Bhagyashree Buragohain on 04.08.2023.

The essence of allegation made in the FIR is that on 17.05.2023 at about 2 pm while she was calling her mother over phon at six-miles, two unknown culprits came in a Dio-Scooty and pushed her and as she fell down her mobile phone get fall from her hand and the culprits took away her mobile phone.

Mr. Tamuli, learned counsel for the accused submits that the accused was arrested on 04.08.2023, and since then he has been languishing in jail hazot and that some of the co-accused have already been enlarged on bail by the learned Court below and the stolen article has already been recovered and that the accused purchased the mobile from another person and sold it to a third person and he is no way involved with the offence alleged and therefore, it is contended to allow the petition.

On the other hand, Ms. A. Begum, learned Additional Public Prosecutor has opposed the petition by contending that sufficient incriminating materials are there against accused as indicated by the order of the learned Special Judicial Magistrate dated 19.08.2023, and therefore, contended to allow her to produce the case diary before this Court.

Having heard the submissions of learned Advocates for both sides, I have carefully gone through the petition and the materials placed on record.

It appears that the accused was arrested on 04.08.2023 and since then

he has been languishing in jail hazot and the stolen mobile phone has already been recovered and some of the co-accused have already been enlarged on bail by the learned Court below.

Considering the period of detention and the nature of accusation and the punishment prescribed for the offence and also considering the submission of learned Advocates for both sides, this Court is of considered opinion that further custodial detention of the accused seems to be not required in the interest of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused namely, Rinku Ali, be enlarged on bail, in connection with Dispur P.S. Case No.873/2023, under Section 356/379 of the IPC.

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

JUDGE

Comparing Assistant