

GAHC010190222023



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

Case No. : Bail Appln./3063/2023

REKIBUDDIN AHMED AND ANR
S/O ASAD ALI
R/O BATAHGHULI, BAGURITAL,
H/NO. 196
P.S. SATGON, DIST. KAMRUP (M), ASSAM

2: RIJAUL ALI
S/O AFAJ ALI
R/O DUARANDHAR

SIXMILE
PANJABARI
OPPOSITE CITY COLLEGE
P.S. DISPUR

DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

08.09.2023.

Heard Mr. A.M. Khan, learned counsel for the petitioners.

Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioners namely, 1) Rekibuddin Ahmed and 2) Rijaul Ali are praying for bail in connection with Dispur P.S. Case No. 1362/2023, under sections 379 of I.P.C. as the petitioner is shown arrested on 07.08.2023.

Case diary is received and perused the same.

It is submitted by the learned counsel for the petitioners that the petitioners are shown arrested in connection with this case on 07.08.2023 though he is in custody in connection with Dispur P.S. Case No. 1388/2023 since 24.07.2023. Thus, the I.O has got sufficient time for custodial interrogation in connection with this case as well as in connection with earlier Dispur P.S. Case No. 1388/2023. Further, it is submitted that even after the arrest in connection with the earlier case as well as after shown arrested in connection with the present case, the accused petitioners was never asked for any police remand for interrogation and nothing has been seized from their possession in connection with the present case. However, the present petitioners are ready and willing to co-operate with the further investigation of the case, if they are enlarged on bail.

In this context Mr. N. Baishya, learned Additional Public Prosecutor for the State of Assam has submitted that sufficient incriminating materials are found against the accused petitioners in the case diary and earlier also present petitioners were involved in the similar kind of offences and they are the

habitual offenders and some parts of the vehicle were already seized from their possessions in connection with the earlier case i.e Dispur P.S. Case No. 1388/2023 for which they were shown arrested in connection with the present case also. Raising objection, learned APP further submitted that custodial interrogation of the accused petitioners may be necessary in this case to unearth the other facts relating to the present case.

After hearing the submissions of learned counsel for both sides, I have also perused the case dairy, from which it reveals that the present accused petitioner is arrested in connection with the present case on 07.08.2023. However, he is in custody since 24.07.2023 in connection with Dispur P.S. Case No. 1388/2023. It also reveals that police never asked for any remanded of the accused petitioners for custodial interrogation or for recovery of any stolen articles though they are in custody since last 47 days including the detention in connection with Dispur P.S. Case No. 1388/2023.

Considering the entire facts and circumstances of the case as well as considering the length of detention of the accused petitioners, I find it prudent to allow the accused petitioners namely, 1) Rekibuddin Ahmed and 2) Rijaul Ali to go on bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with one suitable surety of like amount each, to the satisfaction of the learned C.J.M. Kamrup (M), in connection with Dispur P.S. Case No. 1362/2023, corresponding to G.R. Case No. 5241/2023 under sections 379 of I.P.C.

The bail is granted 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, influence, or intimidate the prosecution witness;

3.that the petitioners shall not misuse their liberty in any manner.

Send back the case diary.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant