

GAHC010193102023



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

Case No. : Bail Appln./3043/2023

DILBAR HUSSAIN AND 2 ORS.
S/O LATE FEDDUS ALI,
VILL.- KORAGARI GAON, P.S.- BARPETA, DIST.- BARPETA, ASSAM.

2: SAD AKKASH ALI
S/O IBRAHIM ALI

VILL.- KORAGARI GAON
P.S.- BARPETA
DIST.- BARPETA
ASSAM.

3: AZIM UDDIN AHMED
S/O SONAR UDDIN AHMED

VILL.- BARUA PATHER (BOKO)
P.S.- BOKO
DIST. KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

08.09.2023

1. This is an application made under Section 439 Cr. P.C. seeking bail by the accused/petitioners, namely, **(1) Dilbar Hussain, (2) Sad Akkash Ali and (3) Azim Uddin Ahmed**, who were arrested on 12.08.2023 in connection with Barpeta Road P.S. Case No. 115/2023 corresponding to G.R. Case No. 1154/2023 being registered under Section 394 of IPC.
2. Heard Mr. R. Ali, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam who produced the Case Diary.
3. The petitioners were arrested on 12.08.2023 and they are behind bar for last 26 days.
4. Learned counsel for the petitioners submits that the petitioners are innocent and has been falsely implicated in this case. Investigation is almost over and statement of accused has thoroughly been interrogated by the investigating agency. There is no legal evidence against the present petitioners to connect them with the alleged offence. The learned Counsel further submits that the petitioners are in custody since 12.08.2023 and the

conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the petitioners on bail.

5. Learned Additional Public prosecutor for the State has seriously opposed the application and prayed for its rejection.
6. Looking to the facts and circumstances of the case and on a perusal of the material available on record including the case diary and also the advance stage of investigation and period of detention, without commenting on the merits of the case, this Court is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.
7. It is directed that the petitioners, name above, be released on bail in connection with the case aforementioned, on their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Barpeta, with the following conditions:-
 - (a) Shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Barpeta, without prior written permission from him;
 - (b) Shall not hamper with the investigation of the case and tamper with the evidence of the case;
 - (c) 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 them from disclosing such facts to the Court or to any police office.

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

Return the case diary.

JUDGE

Comparing Assistant