

GAHC010195712023



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

Case No. : Bail Appln./3191/2023

MD. AJIBUR RAHMAN AND ANR
SON OF MD. LAL MAMUD, RESIDENT OF VILL- MOHGHULI, BORGHULA,
P.S.- NORTH LAKHIMPUR, SUB-DIVISION- NORTH LAKHIMPUR, IN THE
DISTRICT OF LAKHIMPUR, ASSAM

2: MD. KHAJALUDDIN
SON OF JAINUDDIN
RESIDENT OF VILLAGE- SONAPUR RESERVE GAON
P.S. BIHPURIA
DIST.- LAKHIMPUR
ASSA

VERSUS

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

Advocate for the Petitioner : MR DEBA SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 14-09-2023

1. Heard Mr. Deba Sarmah, learned counsel for the applicants and Mr. D Das, learned Addl. PP, Assam appearing for the state respondent.
2. This application under section 439 of the Code of Criminal

Procedure, 1973 is preferred by accused, namely, **1. Md. Ajibur Rahman, & 2. Md. Khajaluddin** who were arrested on 12.08.2023 in connection with **Bihpuria PS Case No.143/2023** under sections **120B/420/406/392/34 IPC** (corresponding to GR Case No.778/2023).

3. Learned counsel for the applicant submits that the applicants were innocent and they have been falsely implicated in this case. Investigation is almost over and statements of the accused persons have thoroughly been interrogated by the investigating agency. There is no legal evidence against the present applicants to connect them with the alleged offence. The learned Counsel further submits that the applicants 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 applicants on bail.

4. Learned Additional Public prosecutor for the state has seriously opposed the application and prayed for its rejection.

5. Looking at the facts and circumstances of the case and on a perusal of the materials available on record and also the advance stage of investigation and period of detention, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.

6. It is directed that the applicants, above named, in connection with the aforementioned case be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) each with one solvent surety of the like amount to the satisfaction of the learned CJM, Lakhimpur, North Lakhimpur with the following conditions:

I. The applicants shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

II. The applicants shall not hamper with the investigation of the case and tamper with the evidence of the case;

III. The applicants 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 officer.

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

JUDGE

Comparing Assistant