

GAHC010200482023



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

Case No. : Bail Appln./3152/2023

ABDUL ALI @ SORU
S/O MD. BASIR ALI
R/O 2 NO. NIZARA PAR, NAYA NAGAR
P.S. NOONMATI, DIST. KAMRUP (M), ASSAM, GUWAHATI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S Z SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.09.2023

Heard Mr. S.Z. Sheikh, learned counsel for the accused and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, **Abdul Ali @ Soru**, who has been languishing in jail hazot in connection with the **Noonmati P.S.**

Case No. 171/2023, under Sections 457/380 of the IPC, for granting bail.

3. The aforementioned case has been registered on the basis of one FIR lodged by one Utpal Bhunya, on 12.06.2023. The essence of allegations made in the FIR is that on the night of 11.06.2023, some unknown miscreants entered into his house by breaking the window and stolen 2 nos. of Laptop.

4. Mr. Sheikh, learned counsel for the accused submits that the accused person was arrested on 08.07.2023, and since then he has been languishing in jail hazoot for last 66 days. Mr. Sheikh further submits that nothing has been recovered from the possession of the accused person and therefore, it is contended to enlarge the present accused on bail.

5. On the other hand, Mr. Borthakur, learned Additional Public Prosecutor, has opposed the petition on the ground that the forwarding report reveals that some materials have been collected against the accused and the stolen articles have not yet been recovered and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition as well as the materials placed on record and also the forwarding report dated 08.07.2023.

7. It appears that the accused person was arrested on 08.07.2023, and since then he has been languishing in jail hazoot for last 66 days. Further, it appears from the forwarding report that nothing has been recovered from the possession of the present accused.

8. Having considered above and also balancing the period of detention with 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.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant