

GAHC010200782023



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

Case No. : Bail Appln./3149/2023

SAIFUL ISLAM
S/O LATE MAKIBOR RAHMAN
VILL- DEURIKUCHI
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.09.2023

Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. H. Ali, 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, namely, **Saiful Islam**, who has been languishing in jail hazot in connection with the **Hatigaon P.S. Case No. 285/2023**, under Section 379 of the IPC, for granting bail.

3. The aforementioned case has been registered on the basis of one FIR lodged by Tanver Alom Khan, on 30.08.2023. The essence of allegations made in the FIR is that on 29.08.2023, at about 3.20 am, some unknown miscreants entered into his house premises and stolen away Electric Wires worth of Rs. 60,000/- and the said incident has been captured in the CCTV footage.

4. Mr. Choudhury, learned Senior Counsel appearing for the accused submits that the accused was arrested on 01.09.2023, and since then he has been languishing in jail hazoot. Mr. Choudhury further submits that the accused has the license of doing business of scarp materials and that the petitioner had purchased the scarp materials without knowing the same to be a stolen property and that he is innocent and he is ready to cooperate with the investigating agency 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 materials collected so far in the case diary, implicates the accused with the offence alleged in the FIR and that the investigation is going on and some of the co-accused are yet to be arrested.

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 perused the case diary with the assistance of learned Addl. P.P.

7. It is not in dispute that the accused was arrested on 01.09.2023, and since then he has been languishing in jail hazoot. Further, it is not in dispute that 6 kg of Copper Wires were recovered from the possession of the present accused

and seized the same vide seizure list, dated 31.08.2023. Further, it appears from the case diary that the IO has achieved substantial progress in the investigation and in view of the nature and gravity of the offence and balancing the same with the period of detention, this Court is inclined to allow the petition.

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 **CJM, Kamrup [M] at Guwahati** the accused be enlarged on bail.

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

11. The case diary be returned.

JUDGE

Comparing Assistant