

GAHC010208632023



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

Case No. : Bail Appln./3362/2023

MD. SAMS UDDIN @ SAMSUDDIN
S/O FAJIL MIA R/O VIL. DEBOSTHAN P.O. DEBOSTHAN BAZAR P.S
MURAJHAR PIN 782481 DIST. HOJAI ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

03.10.2023

Heard Mr. R.C. Das, 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, **Md. Sams Uddin @ Samsuddin**, who has been languishing in jail hazot, in connection with the **Murajhar P.S. Case No. 176/2023**, under Sections 120(B)/468/471/379/411 of the IPC, for granting bail.

3. The said case has been registered on the basis of one F.I.R., lodged by

SI Raju Ali, on 05.08.2023. The essence of allegations made in the FIR is that acting on a tip off the informant has conducted search in the tea stall of Sukur Ali, situated at Choudhury Bazar, Murajhar and apprehended him and recovered two numbers of motorcycle bearing registration Nos. AS-09-F-4457 and AS-14-B-4768 from his possession and during investigation, it has been found that the registration certificate does not match with the record of M-Parivahan Assam Cop Application and later on, Sukur Ali disclosed that one Joynal Uddin; Abdul Hasib; Mojibur Rahman; and Saidul Alam are also involved in the racket of motorcycle lifting, manipulating of RC and selling of motorcycle.

4. Mr. Das, learned counsel for the accused submits that the accused was arrested on 05.08.2023, and since then he has been languishing in jail hazoot for last 59 days and that the name of the accused is not mentioned in the FIR and that some of co-accused have already been enlarged on bail and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that though the name of the accused is not mentioned in the FIR, yet, the I.O. has collected sufficient incriminating materials against the accused and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused has been arrested in this case on 08.08.2023, and since then, he has been languishing in jail hazoot for last 56 days. Further, it appears that some of the co-accused have already been enlarged on bail

by this Court after perusing the case diary. Further, it also appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case and further custodial detention of the accused seems to be unwarranted here in this case.

8. 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, Hojai**, the accused be enlarged on bail.

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

10. The case diary be returned.

JUDGE

Comparing Assistant