

GAHC010210312023



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

Case No. : Bail Appln./3304/2023

SAHIDUL ISLAM
S/O- NUR ALOM, VILL- HATIJANA, SALTA BAZAR, PS- HOWLY, DIST.-
BARPETA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04-10-2023

1. Heard Mr. S Munir, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam.
2. This application has been made under section 439 of the Code of Criminal Procedure, 1973 by the petitioner Sahidul Islam who has been detained behind the bar since 22.08.2023 in connection with

Hatigaon PS Case No.203/2023 under section 392 IPC.

3. The gist of accusations against the present petitioner, in brief, is that on 25.05.2023 one Durgeswari Taye lodged an FIR before the Officer in Charge of Hatigaon Police station, inter alia, alleging that when the first informant was coming back from her school two persons came in a scooty and snatched her bag which contained one mobile phone and one I-pad and a sum of Rs.2,500/-. On receipt of the said FIR Hatigaon PS Case No.203/2023 was registered.

4. Mr. S Munir, the learned counsel for the petitioner has submitted that the present petitioner is in no way involved with the offence alleged in the FIR. It is also submitted that nothing was recovered from the possession of the present petitioner and he was merely arrested on the basis of the statement made by the co accused.

5. On the other hand, the learned Additional Public Prosecutor submits that in this case one Ainul Rahman was arrested from whose possession mobile phones were recovered and the said persons have implicated the present petitioner. Apart from the statement of the said co accused there is nothing in the case diary against the present petitioner in connection with his case.

6. It is also submitted by the learned Additional Public Prosecutor that the stolen articles are yet to be recovered.

7. I have considered the submissions made by the learned counsel for both the sides and have perused the case diary of Hatigaon PS Case No.203/2023.

8. The present petitioner has been languishing behind the bar since last 43 days and as of now not much incriminating material is

available in the case diary to justify his further detention for the sake of completion of the investigation.

9. Hence the above named petitioner is directed to be released on bail of Rs.30,000/- with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup (M), subject to following conditions:

I. The petitioner shall not directly or indirectly, make any inducement, threat or promise to the victim or to any person who may be acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the investigating officer.

II. The petitioner shall continue to cooperate with the investigating officer of Hatigaon PS Case No.203/2023 and he shall also provide his contact details including his phone number to the investigating officer.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant