

GAHC010212572023



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

Case No. : Bail Appln./3370/2023

BAHADUR ISLAM
S/O- NOZRUL HOQUE, RESIDENT OF VILL- KURSHAKATI, P.S.
SAPATGRAM, DIST.- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04-10-2023

1. Heard Mr. M Khan, learned counsel for the petitioner. Also heard Ms. S.H Bora, learned Additional Public Prosecutor, Assam.
2. This application has been made under section 439 of the Code of Criminal Procedure, 1973 by the petitioner Bahadur Islam who has been detained behind the bar since 03.09.2023 in connection with Sapatgram PS

Case No.68/2023 under sections 120(B)/457/302 IPC.

3. The gist of accusations against the present petitioner, in brief, is that on 27.08.2023 one Sirajul Hoque lodged an FIR before the Officer in Charge of Raniganj Police station, inter alia, alleging that at the night of 25.08.2023 the FIR named accused persons (8 persons have been named in the FIR) trespassed into the house of the elder brother of the first informant and killed the elder brother of the first informant as well as his sister in law and on the next day their dead bodies were found.

4. The learned counsel for the petitioner has submitted that the present petitioner is in no way involved with the offence alleged in the FIR and he has not being named in the FIR though 8 persons have been specifically named in the FIR. He has also submitted that since last 32 days the present petitioner has been detained behind the bar and considering these facts he may be allowed to go on bail.

5. On the other hand, the learned Additional Public Prosecutor has produced the case diary of Sapatgram PS Case No.68/2023 and has submitted that all the FIR named accused persons have been arrested and though there is no direct evidence against the present petitioner but there may be possibility of his involvement in the alleged incident. Learned Additional Public Prosecutor has submitted that the investigation is still going on.

6. I have considered the submissions made by the learned counsel for both the sides and have perused the case diary of Sapatgram PS Case No.68/2023.

7. Considering the nature of materials available in the case diary as well as period of detention already undergone by the present petitioner, his further custodial detention does not appear to be justified for the sake of fair completion of the investigation of the case if he cooperates with the

Investigating Officer in the investigation.

8. 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 SDJM (M), Bilasipara 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 Sapatgram PS Case No.68/2023 and he shall also provide his contact details including his phone number to the investigating officer.

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

10. Send back the case diary.

JUDGE

Comparing Assistant