

GAHC010215622023



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

Case No. : Bail Appln./3403/2023

MANJUR ALOM BARLASKAR @ MANJU
S/O NAZIR UDDIN
R/O VILL- BURIBAIL
NILBAGAN, PS. MURAJHAR
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A B T HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.09.2023

Heard Mr. A.B.T. Hoque, learned counsel for the accused and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 439 of the Code of Criminal Procedure, 1973 is preferred by accused, namely, Manjur Alom Barlaskar @ Manju, who has been languishing in jail hazot since 16.08.2023, in connection with Murajhar P.S. Case No.177/2023, under Section 420/406/295(A)/298/34 IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Kalandar Ali Barlaskar on 15.08.2023. The essence of allegation made in the FIR, is that one Manjur Alom has taken a sum of ₹ 5,00,000/- from him on 01.07.2020 to supply raw materials of Agar perfume. But, he failed to supply the raw materials and also failed to return the amount and on 11.07.2023 at about 5:30 p.m. while the informant asked Manjur Alom to return the amount, then Manjur Alom along with one Najir Uddin, Sinjul Alom, Khijrul Alom, Didarul Alom, Rijwan Alom and Jamir Uddin attempted to evict him from a plot of land measuring 3 bighas 4 kathas, under Kopahbari Mouza of Tarkata Kisamot.

4. Mr. Hoque, learned counsel for the accused, submits that the accused was arrested on 16.08.2023, and since then he has been languishing in jail hazot for last 37 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has opposed the petition on the ground that sufficient materials are there against the accused as reflected in the FIR and also in the forwarding report.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears from the forwarding report dated 17.08.2023 that the accused has been languishing in jail hazot for last 37 days. Further it appears that the I.O. got sufficient time for investigation.

8. Having regards to above and also having regards to the nature and gravity of the offence and balancing the same with that of the period of detention, further custodial

detention of the accused seems to be not warranted here in this case. And accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bail bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Hojai, the accused be enlarged on bail in connection with Murajhar P.S. Case No.177/2023, under Section 420/406/295(A)/298/34 IPC.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant