

GAHC010223132023



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

Case No. : Bail Appln./3512/2023

JAKIR HUSSAIN
S/O UMAR ALI R/O VILL. URAL KATA PATHAR P.O. AND P.S MOIRABARI
DIST. MORIGAON ASSAM PIN 782126

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.10.2023

Heard Mr. N. Baruah, learned counsel for the accused and also heard Mr. K.K. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Jakir Hussain, who has been languishing in jail hazot since 20.09.2023, in connection with

Azara P.S. Case No.175/2023, under Section 380/420 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Asiya Khatun on 26.08.2023. The essence of allegation made in the said FIR is that on 13.08.2023 while she has gone to Nagaon to visit one of her relatives, then one Md. Umar Faruk and Md. Saddam Hussain collected daily amount from the depositors on 13.08.2023 and 14.08.2023, amounting a sum of ₹ 1,50,000/- and also stolen a sum of ₹ 1,55,000/- from her residence with one laptop and ornaments of gold and fled away from VIP area on 14.08.2023, and later on, she came to know that one Jakir Hussain, in connivance with Umar Faruk and Saddam Hussain had stolen the amount from her house and 7/8 nos. of mobile phones from the people.

4. Mr. Baruah, learned counsel for the accused, submits that the accused was arrested on 20.09.2023, and since then he has been languishing in jail hazot and that though the name of the accused finds mention in the FIR, but, from the forwarding report dated 20.09.2023, it appears that he only assisted the other co-accused and therefore, it is contended to allow the petition.

5. On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused. Mr. Das further submits that the co-accused are yet to be arrested and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Das, learned Additional P.P.

7. The case diary indicates that the I.O. has achieved substantial progress in the investigation of the case and in view of the materials collected so far in the case diary against the present accused and also the role played by the accused in commission of the offence, this Court is of the view that his further custodial detention may not be required in the interest of investigation.

8. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- (Rupees Fifty Thousand) with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail.
9. In terms of above, this petition stands disposed of. The case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant