

GAHC010225612023



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

Case No. : Bail Appln./3631/2023

SULTAN ALI AHMED
S/O BAKKAR ALI
R/O HAKAMA PT. V
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.11.2023

Heard Mr. N.J. Dutta, learned counsel for the accused/petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State and Mr. P. Deka, learned counsel for the informant.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Sultan Ali Ahmed**, in connection with **Bilasipara P.S. Case No. 206/2023**, registered under **Sections 451/302 IPC r/w Section 27 of Arms Act and added Section 120(B)/34 IPC**.

3. It is submitted by the learned counsel for the petitioner that the prime accused in this case Shahjahan Ali has already granted anticipatory bail by this Court. It is also submitted that the petitioner is the President of Hakama Gaon Panchayat and he has a good reputation in the locality. The petitioner has never committed such offence as alleged in the FIR. It is further submitted that the petitioner has been languishing in jail hazot since 23.09.2023. Considering the length of detention of the petitioner, the prayer of the petitioner may be considered.

4. On the other hand, Mr. Deka, learned counsel for the informant has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner and Shahjahan Ali along with others operate in an organized manner to conduct contract killing and land grabbing. In the instant case, the deceased Baser Ali purchased a land from the actual owner through Sultan Ali Ahmed who acted as an agent. Lt. Baser Ali also paid the entire sum of money even then, the petitioner demanded more money and Baser Ali objected to it and refused to give the extra money and as such, Sultan Ali gave a contract to Shahjahan Ali to kill him. Mr. Baruah, learned Additional Public Prosecutor for the State has also submitted that there is sufficient incriminating materials found against the petitioner. Considering

the nature of the offence, the prayer of the petitioner may not be considered at this stage.

5. In support of his submissions, the learned counsel for the informant has placed reliance on a case law- 2015 AIR(SC) 3703 (Neeru Yadav vs. The State of Uttar Pradesh).

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary along with relevant documents available thereon.

7. According to the informant, the arrested co-accused Akhirul Islam has specifically stated in his statement recorded under Section 164 Cr.P.C. that Sultan Ali Ahmed gave an amount of Rs.5,00,000/- to Shahjahan Ali to kill the deceased Baser Ali.

8. On the other hand, the investigating officer in her objection clearly stated that during investigation, witnesses have come forward but vital witnesses are yet to be examined. There is likelihood that they would be produced in court for recording their statements under Section 164 Cr.P.C. It transpires that the statement of the co-accused Akhirul Islam has not yet been recorded under Section 164 Cr.P.C. On perusal of the case diary, it reveals that the present petitioner and the co-accused Shahjahan Ali were dealing with the selling of landed property.

9. After going through the case diary as well as the materials available thereon, this Court finds that further custodial interrogation of the accused-

petitioner is not necessary. Hence, the prayer for bail is allowed.

10. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Bilasipara P.S. Case No. 206/2023**, registered under **Sections 451/302 IPC r/w Section 27 of Arms Act and added Section 120(B)/34 IPC**, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount out of which one of the sureties should be a Government employee, to the satisfaction of the learned SDJM(M), Bilasipara, Dhubri.

11. The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned SDJM(M), Bilasipara, Dhubri, without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(c) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

12. That being so, if the petitioner violates any of the above condition(s) in future, the learned Public Prosecutor shall apprise this Court to cancel the bail order.

13. In terms of the above, this bail application stands disposed of.

14. Send back the case diary.

JUDGE

Comparing Assistant