

GAHC010228952022



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

Case No. : Bail Appln./3058/2022

MOFIZ UDDIN
S/O LT. SAYED ALI
R/O VILL- SHARIYATPUR
P.S. KALGACHIA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-01-2023

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Heard Mr. M.M. Zaman, learned counsel for the petitioner Mofiz Uddin who has filed an application under Section 439 Cr.P.C. with prayer for bail in connection with Kalgachia P.S. Case No. 61/2021, G.R. Case No. 500/2021 and Sessions Case No. 228/2022 under Sections 448/427/379/341/325/302/34 IPC.

Heard Mr. M.P. Goswami, learned Addl. P.P. for State Respondent.

The FIR unfolds that on 28.01.2021 at 2 PM the accused No. 1 Mafijuddin entered into the house of the informant and committed theft of Rs. 40,000/-. When the informant and her husband confronted the accused regarding this theft at about 7:30 AM on the following day, the accused No. 2 Moychin Ali restrained the informant and her husband in front of the house and caused grievous injuries by assaulting both the informant and her husband. Moychin Ali also dealt a blow with a wooden plank on her husband's head. Her brother-in-law Delowar Hussain also sustained injuries in the process. Thereafter the informant's husband was forwarded for treatment and finally he succumbed to his injuries.

It is submitted that the main accused Moychin Ali was already enlarged on bail. The present petitioner has prayed for bail on the grounds of parity as he has been languishing in the jail since 14.02.2022. It is also submitted that charge-sheet has been laid against both the accused-persons and trial has commenced against them. It is submitted that the accused will co-operate with the trial and not jump bail.

I have perused the Case Diary. Charge-sheet has been laid against the present petitioner under Sections 448/341/323/325/302 IPC. The Annexure-3 is an order of a coordinate Bench of this Court which reveals that vide Order dated 31.08.2022 in connection with Case No. AB 1568/2022 the interim bail granted to the petitioner was extended upto 15 days from 31.08.2022. The petitioner however failed to appear before the learned Trial Court as per direction of the order of the coordinate Bench within 15 days and when the petitioner appeared before the Trial Court on 14.02.2022 he was forwarded to custody and since then he has been languishing in the jail. I have considered the submission that the petitioner has pledged to co-operate with the Trial and not to jump bail. I have also considered the statement regarding a prayer for consideration on the ground of parity. I have perused the Case Diary.

Considering all aspects, the petitioner is enlarged on bail of Rs. 50,000/- with

two suitable sureties of like amount to the satisfaction of the Trial Court. The Trial Court may impose conditions to his or her satisfaction.

Send back the Case Diary.

JUDGE

Comparing Assistant