

GAHC010230192023



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

Case No. : Bail Appln./3652/2023

NAJRUL ALI @ HRITIK
S/O LATE SAMSUL ALI
R/O BHASKAR NAGAR,
NEAR GRILL MASJID, P.S. CHANMDARI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.11.2023

Heard Mr. S.H. Sikdar, learned counsel for the accused/petitioner.
Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking

bail by the accused-petitioner, namely, **Najrul Ali @ Hritik**, in connection with **Chandmari P.S. Case No. 342/2023**, registered **under Sections 341/384/324/307/506/34 IPC r/w Section 11 of Prevention of Cruelty to Animal Act, 1960**.

It is submitted by the learned counsel for the petitioner that the petitioner has been languishing in jail hazot for the last 48 days. It is also submitted that Section 307 IPC is not attracted in this case as the injury sustained by the victim is simple in nature. It is further submitted Section 384 IPC is also not attracted in this case as there is no allegation that the petitioner has committed extortion in any manner to the victim and the other sections, as mentioned in the FIR, are bailable in nature. Considering the background of the case as well as nature of the offence, the prayer of the petitioner may be considered.

On the other hand, Ms. Bora, learned Additional Public Prosecutor for the State has submitted that case diary has been received without injury report. It is also submitted that considering the period of detention, the prayer of the petitioner may be considered.

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.

Considering the nature of offence as well as length of detention of the accused/petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary. Hence, the prayer for bail is allowed.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Chandmari P.S. Case No. 342/2023**, registered **under Sections 341/384/324/307/506/34 IPC r/w Section 11 of Prevention of Cruelty to Animal Act, 1960**, on furnishing bail bond of **Rs.25,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned CJM, Kamrup(M), Guwahati.

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

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, 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.

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

Send back the case diary.

JUDGE

Comparing Assistant