

GAHC010235082023



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

Case No. : Bail Appln./3772/2023

RUHUL AMIN AND 3 ORS
S/O MOINAL HOQUE
VILL- TIAPARA
P.S. GOALPARA
DIST. GOALPARA, ASSAM

2: ANSER ALI @ ANSAR ALI
S/O MOINAL HOQUE
VILL- TIAPARA
P.S. GOALPARA
DIST. GOALPARA
ASSAM

3: SAHADEV HAJONG @ SAHDEV HAJONG
S/O BHARAT HAJONG
R/O SHALBARI
MARKULA
P.S. BAGWAN
DIST. GOALPARA
ASSAM

4: FULCHAN ALI
S/O AJIFUR RAHMAN
R/O KARISALA
BATABARI
P.S. BAGWAN
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.11.2023

Heard Mr. S. Munir, learned counsel for the accused and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by four accused, namely, Ruhul Amin, Anser Ali, Sahadev Hajong @ Sahdev Hajong and Fulchan Ali, who have been languishing in jail hazot, in connection with Geetanagar P.S. Case No.218/2023, under Section 379 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Sudarshan Das and Mahananda Moran on 24.09.2023. The essence of allegation made in the aforesaid FIR is that on the intervening night of 24.09.2023, at about 3:00 a.m. some unknown miscreants entered into his house by breaking the lock of the gate and stolen away his Yamaha R-15 motorcycle, bearing Registration No.AS-01EX-7023 and also stolen away his neighbour's KTM DUKE 250 motorcycle, bearing Registration No.AS-23X-2952, which was registered in the name of one Haren Moran.

4. Mr. Munir, learned counsel for the accused, submits that the accused Ruhul Amin and Anser Ali @ Ansar Ali are languishing in jail hazot since 30.09.2023 and accused Sahadev Hajong @ Sahdev Hajong and Fulchan Ali are languishing in jail hazot since 01.10.2023. Mr. Munir further submits that the stolen bikes have already been recovered

and seized by police and in that view of the matter, their further custodial detention may not be required and therefore, Mr. Munir contended to allow this petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the stolen bikes have already been recovered and material part of investigation, so far it relates to the accused persons are concerned, has already been completed.

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. Sarma, learned Additional P.P.

7. It appears that the accused persons are languishing in jail hazot since 30.09.2023, and 01.10.2023, respectively. Further, it appears that the material part of investigation, so far it relates to the present accused persons are concerned, has already completed and the stolen bikes have also been recovered and seized by police and as such, their further custodial detention may not be required in the interest of investigation and therefore, this Court is inclined to allow this petition.

8. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- (Rupees Fifty Thousand) each, with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused persons be enlarged on bail.

9. In terms of above, this bail application stands disposed of. The case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant