

GAHC010235612023



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

Case No. : Bail Appln./3784/2023

MATIUR RAHMAN @ MATIAR RAHMAN
S/O ABDUL MAJID
R/O VILL- NIMUA
P.S. GOBARDHANA
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 27-10-2023

Heard Mr. N Ahmed, learned counsel for the petitioner and Mr. K.K. Das, learned Additional Public Prosecutor, Assam for the State.

By this application under section 439 Cr.P.C., the petitioner namely, ***Matiur Rahman @ Matiar Rahman*** has prayed for bail in connection

with **Gobardhana PS Case No.138/2023** registered under sections 457/380/401 IPC corresponding to GR Case No.888/2023 wherein the petitioner was arrested on 21.09.2023 and since then he is in custody.

As per the FIR of the case, the petitioner along with his son Monowar Hussain, on the night of the incident, came to the house of the informant and requested him to allow his son to stay in his house for the night as there was guest in his house. Accordingly the informant allowed the said Monowar Hussain to stay in his house for the night. In the early morning when the informant woke up at around 04.00 AM, he did not find the said Monowar Hussain in his house and also found that his Yamaha R15 was stolen by breaking the lock of the door of their house.

Case diary reveals that the petitioner is the father of the said Monowar Hussain and was taken in custody on 21.09.2023 as a suspect involved in the case. The case diary also reveals that the stolen bike of the informant has not yet been recovered and said Monowar Hussain, son of the petitioner is evading arrest.

Considering the period of detention of the petitioner in custody since 21.09.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the **Gobardhana PS Case No.138/2023** and as such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Matiur Rahman @ Matiar Rahman** shall be released on bail on furnishing bail bond of Rs.20,000/- with two local sureties of the like amount to the satisfaction of the Chief Judicial Magistrate, Baksa, Mushalpur, (BTR) on condition that the petitioner **(i)** shall appear before the concerned Investigating Officer of **Gobardhana PS Case No.138/2023** as and when required for necessary investigation of said case; **(ii)** shall not leave the territorial jurisdiction of the

Gobardhana PS, without obtaining prior written permission from the concerned investigating officer of the case, (iii) shall not hamper with the investigation, or tamper with the evidence of the case and (iv) shall not threat or intimidate the witnesses acquainted with the case.

Any violation of the aforesaid terms and conditions by the petitioner, above named, the bail granted to him in the aforementioned **Gobardhana PS Case No.138/2023** shall stand automatically vacated.

The bail application stands allowed accordingly.

Return the case diary.

JUDGE

Comparing Assistant