

GAHC010241112023



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

Case No. : Bail Appln./3912/2023

EBRAHIM ALI
S/O HUSSAIN ALI
R/O VILL- NAYAR ALGA
PT. III, P.S. BILASIPARA, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M M ZAMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

02.11.2023

Heard Mr. M. M. Zaman, learned counsel appearing for the accused petitioner as well as Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Ebrahim Ali**, has prayed for grant of bail in connection with **Kokrajhar PS Case No. 297/2023 under Section 379 of the IPC.**

The accusation in this case is that on 26.08.2023 one Mr. D. Narzary filed an FIR before the officer in-charge of Kokrajhar Police Station *inter alia* alleging that his Super Splendor M/bike bearing registration No. AS-19L-4873 which was parked in front of Dr. S. C. Rabha's clinic was stolen from there.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted by the learned counsel for the petitioner that he has been detained behind the bar since last 59 days and for the offence involved in this case, the maximum statutory period of detention is 60 days only.

On the other hand, Mr. Das, learned Additional Public Prosecutor has produced the case diary of Kokrajhar PS Case No. 297/2023 and has submitted that there are incriminating materials against the petitioner. However, the stolen vehicle is yet to be recovered. He also opposed the bail prayer of the present accused petitioner as he is habitual offender.

I have considered the submission made by the learned counsel for both the parties and also perused the case diary of Kokrajhar PS Case No. 297/2023.

Considering the fact that the petitioner has already detained behind the bar since last 59 days and the maximum period of detention for such offence is 60 days and also considering the progress of investigation, his further custodial detention does not appear to be necessary in this case.

In view of above, the present petitioner, namely, Ebrahim Ali is hereby allowed to go on bail of **Rs. 30,000/- (Rupees thirty thousand) only** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Kokrajhar** subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) The accused-petitioner 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 Investigating Officer of the said case or to any court.

Return the case diary.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant