

GAHC010241242023



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

Case No. : Bail Appln./3873/2023

TAPAN HAZARIKA AND 3 ORS
S/O- DURLOV HAZARIKA, R/O- ULUONI P.S ULUONI, DIST - NAGAON,
ASSAM.

2: EKRAMUL HOQUE
S/O- ADAM ALI
R/O - BORGHULI SATMARI
P.S- ULUONI
DIST- NAGAON
ASSAM

3: RABBUL ALOM
S/O- MD RIYAJUDDIN
R/O- GOUROIMARI
P.S- ULUONI
DIST- NAGAON
ASSAM.

4: MD. MUZAKIR HUSSAIN
S/O- MD ABU TAHER
R/O- HATIAKHOWA
P.S- ULUONI
DIST- NAGAON ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 18-10-2023

1. Heard Ms. F Hussain, learned counsel for the applicants and Mr. R J Baruah, learned Addl. PP, Assam appearing for the state respondent.
2. This application under section 439 of the Code of Criminal Procedure, 1973 is preferred by accused applicants, namely, **1. Tapan Hazarika, 2. Ekramul Hoque, 3. Rabbul Alom & 4. Md. Muzakir Hussain** who is in jail hazot since 04.10.2023 in connection with **Kaliabor PS Case No.85/2023** under sections **395 IPC**.
3. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case. Investigation is almost over and the accused has been thoroughly interrogated by the investigating agency. There is no legal evidence against the present applicants to connect them with the alleged offence. The learned Counsel further submits that the applicants are in custody since 04.10.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicants on bail.
4. Learned Additional Public prosecutor for the state has seriously opposed the application and prayed for its rejection.
5. Looking at the facts and circumstances of the case and on a perusal of the materials available on record and the period of detention, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.

6. It is directed that the applicant, above named, in connection with the aforementioned case be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) each with one solvent surety of the like amount to the satisfaction of the learned SDJM, Kaliabor, with the following conditions:

I. The applicants shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

II. The applicants shall not hamper with the investigation of the case and tamper with the evidence of the case;

III. The applicants 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 them from disclosing such facts to the court or to any police officer.

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

JUDGE

Comparing Assistant