

GAHC010017022023



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

Case No. : Bail Appln./3370/2022

ALAL UDDIN
S/O LATE ABDUL LATIF
R/O VILL- BATAMARI
P.S. JURIA
DIST. NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. R P SARMAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 27.02.2023

Heard Mr. R.P. Sarmah, learned senior counsel, assisted by Mr. D. Doley, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State.

By this application under Section 439 Cr.P.C., the petitioner, namely, Alal uddin, who was arrested on 27.05.2022, is seeking regular bail in connection with Batadrava PS Case No. 54/2022 under Section 143/144/149/186/353/427/436/447/448/450/451 read with section 3/4 of the Prevention of Damage to Public Property Act, 1984, which is tried as Sessions (T1) Case No. 38(N)/2022.

The learned APP has perused the scanned copy of the voluminous case records and has opposed the prayer for bail on the ground that the petitioner is involved in the destruction of Batadrava Police Station by setting it on fire. It is also submitted that in the event the petitioner is granted bail, there is every possibility that he would influence the local witnesses.

On a perusal of the charge-sheet no.49/2022 dated 12.08.2022 submitted in this case, in para 16.16, the role of the petitioner is to the effect that he along with some other persons named therein has started an altercation with the five police personal and one home guard on duty, whose names are reflected in the charge-sheet. Apart from that charge-sheet does not reflect that the petitioner has participated in any other assault on the police personnel or in the destruction of the public property.

Under such circumstances, this Court is inclined to release the petitioner named above on bail as he has suffered custody for last 277 days in connection with the case aforementioned on furnishing bail bond of Rs.1,00,000/- with two solvent surety of like amount to the satisfaction of learned Additional Sessions Judge No.2, Nagaon. Out of two sureties, one should offer as security his/her immovable property having sufficient value to cover the bail amount. The bail is granted on the following conditions:

1. That the 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 Court or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.
2. That he shall not obstruct the smooth progress of the trial.
3. That the petitioner shall not misuse his liberty in any manner.
4. That the petitioner shall not jump over the bail.
5. The petitioner shall appear without fail on all dates of the trial and in the event he cannot appear for good reasons, he would make sure that he is represented by his learned counsel and he would also give an undertaking that he would not dispute his own identity or the identity of the witnesses which were examined in his absence.
6. In the event of default in appearance, it would be open to the learned trial Court to issue NBWA to compel appearance of the petitioner.

This bail application stands disposed of.

The Registry shall not issue any copy (certified or un-certified) of the scanned copy of case diary.

JUDGE

Comparing Assistant