

GAHC010248362023



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

Case No. : Bail Appln./3996/2023

MD. SHAHNOOR ISLAM
S/O MD. SHAHJAH ALI
R/O WARD NO. 02, NEAR MANGALDOI STADIUM
P.S. MANGALDOI
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.11.2023

Heard Mr. D. Kalita, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Shahnoor Islam, who has

been detained behind the bar since 05.07.2023 (since last 138 days) in connection with Sessions Case No. 138/2023 pending before the Court of learned Additional Sessions Judge No. 2, Kamrup, Guwahati.

Learned counsel for the petitioner has submitted that the petitioner is facing the trial before the Court of learned Additional Sessions Judge No.2 Kamrup, Guwahati in connection with Sessions Case No. 138/2023 wherein charges against the present petitioner has been framed on 01.09.2023 under Section 120B/498A/498C/498D of the IPC along with other two accused persons.

Learned counsel for the petitioner has submitted that one of the co-accused namely, Md. Bulbul Alam is also facing trial in connection with same case and stands on same footing as that of present petitioner has already been granted bail by this Court in bail application No. 3192/2023 by order dated 10.11.2023, and it is submitted by the learned counsel for the petitioner that the petitioner is ready to face trial and on the ground of parity he is also entitled to get bail.

On the other hand, learned Additional Public Prosecutor submits that though the scanned copy of the case report was called for however, the same has not been arrived and prays for some another date for producing the same.

Considering the fact that the petitioner has been detained behind the bar since 138 days and also considering the fact one of the co-accused namely, Md. Bulbul Alam who is similarly placed to that of present petitioner has already been granted bail by this Court, this Court does not find further custodial detention of the present petitioner to be necessary for fair completion of trial if he co-operates in the trial of Sessions Case no. 138/2023.

In view of the above, the present petitioner, namely, Md. Shahnoor Islam,

is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Additional Sessions Judge No. 2, Kamrup, Guwahati subject to the following conditions:

- i. That the petitioner shall appear before the learned trial court as and when so required by the learned trial court for the sake of fair completion of the investigation.
- ii. That the learned trial court may impose any additional conditions, if it deems fit to do so.

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

JUDGE

Comparing Assistant