

GAHC010248412023



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

Case No. : Bail Appln./3998/2023

SHORIFUL ISLAM
S/O EYASIN ALI
VILL- GARALIPAM
P.S. KALGACHIA
DIST. BARPETA, ASSAM,
PIN-781321

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 21-11-2023

1. Heard Mr. A M Ahmed, learned counsel for the applicant and Mr. K K Parashar, 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, namely, ***Shoriful Islam*** who was arrested on 19.10.2023 in connection with the ***Mererchar PS Case No.63/2023*** under sections ***457/365/34*** of the IPC.

3. The applicant is arrested on 19.10.2023 and he is behind the bars since then.

4. The learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. Investigation is almost over and the accused person is thoroughly interrogated by the investigating agency. There is no legal evidence against the present applicant to connect him with the alleged offence. The learned Counsel further submits that the applicant is in custody since 19.10.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicant on bail.

5. Learned Additional Public prosecutor for thoe state has seriously opposed the application and prayed for its rejection.

6. Perused the case diary and the materials available on record.

7. The victim girl has already been recovered. The nature of allegation against the applicant as revealed in the forwarding report is that he left the victim girl alone in the house of an unknown person. Considering the nature of allegation and also the length of detention, this Court is of the opinion that further custodial detention of the applicant is not required inasmuch as he has been in custody since 19.10.2023. Accordingly, the present application is allowed.

8. Accordingly, it is directed that the applicant, above named, in connection with the aforementioned case be released on bail on his furnishing a bond in the sum of Rs.30,000/- (Rupees thirty thousand only) with one solvent surety of the like amount to the satisfaction of the learned Judicial Magistrate First Class, Bongaigaon, Assam with the following

conditions:

- I. The applicant shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;
 - II. The applicant shall not hamper with the investigation of the case and tamper with the evidence of the case;
 - III. The applicant 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.
9. In terms of the above, this bail application stands disposed of.
 10. Send back the case diary.

JUDGE

Comparing Assistant