

GAHC010249312023



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

Case No. : Bail Appln./4008/2023

RAMESH ALI AND 3 ORS.
S/O MD. KITAP ALI
R/O VILL- KAYAKUCHI, P.S. AND DIST. BARPETA, ASSAM

2: DEWAN SAMSUDDIN
S/O ABDUL SABBAS
R/O VILL AND P.S. SONAPUR

DIST. KAMRUP (METRO)
ASSAM

3: SHAHIDUL ISLAM
S/O LATE SUKUR ALI
R/O VILL-KOYAKUCHI
BHAKUWAMARI
P.S. AND DIST. BARPETA
ASSAM

4: ARIFUL ISLAM
S/O MD. JALAL UDDIN
R/O VILL- BHOKUAMARI
P.S. AND DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

24.11.2023

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr. Goswami, learned Additional Public Prosecutor, Assam.

2. The four petitioners, namely, Dewan Samsuddin, Ariful Islam, Ramesh Ali and Shahidul Islam have preferred the present bail applications in connection with, Morigaon PS case No. 302/2023 under Section 420/379 IPC (BA 4290/2023), Doboka PS case 169/2023 under Section 379/420/406 IPC read with section 66 (c) IT Act (BA No. 4008/2023), Nagaon PS 702/23 under Section 420/ 379 IPC (BA 4144/2023).
3. These petitioners have been shown to be arrested in the aforesaid cases, during their custody in connection with some other cases involving similar nature of offences. Details are given in the tabular form.

Sl No.	PS case	Name of the accused petitioner	Date of bail
1.	Jagiroad PS 238/2023 U/s 279/333/307/427/420/468/47 1/34 IPC	Ariful Islam and Ramez Ali Dewan Samsuddin Hanifur Rahman Saidul Islam	06.10.2023 in BA 3405/2023 BA 3802/2023 Dated 09.11.2023
2.	Morgaon PS case No. 244/2023	Ramez Ali Ariful Islam	29.09.2023 in BA No.

	U/s 379/420 IPC		3202/2023
		Dewan Samsuddin	Order dated 29.09.2023 BA 3148/2023
		Shahidul Islam	29.09.2023 BA 3210/2023
3	Jagiroad PS 71/2023 under Section 420/379 IPC	Shahidul Islam and Dewan Samsuddin	Order dated 22.09.2023 BA 3208/2023
		Ariful Islam and Ramez Ali	Order dated 22.09.2023 BA 3386/2023
4	Jagiroad Ps 74/2023	Sahidul Islam, Dewan Samsuddin, Ramesh Ali and Ariful Islam	BA 3264/2023 order dated 06.10.2023
5	Jagiroad 166/2023 under Section 420/379 IPC	Sahidul Islam, Dewan Samsuddin, Ramesh Ali and Ariful Islam	06.10.2023 BA 3428/2023

4. The petitioners were initially arrested 01.09.2023 in connection with Jagiroad PS case No. 238/2023 and subsequently, they have been shown to be arrested in all the subsequent cases at different point of time. Finally, they were taken to custody in connection with Morigaon PS case

No. 302/2023, in connection with Doboka PS case 169/2023 and in connection with Nagaon PS case 702/2023 and present applications are filed seeking bail in connection with those cases.

5. The orders granting bail by this court, reflect that the allegations are more or less same though the incidents are different. It is also seen that in some of the cases including the alleged offence committed in the present cases are alleged to have been committed during their custody. The recovery made also relates to the first case where the present petitioners were arrested for the first time. Thus, the petitioners are languishing in jail since the 01.09.2023 and no charge-sheet has been filed in any of the cases registered earlier.
6. Form the record, it is seen that in none of the aforesaid bail proceedings before this court, the authority had apprised this court that the custody of the petitioners are required in any other similar cases. It is well settled that it is also a duty of the I/O to disclose to the Magistrate before whom the accused are forwarded, the particulars of pending case against an accused, in which he is not yet been arrested. None of the Bail orders reflects that at any point of time, the fact of pendency of cases was informed to the magistrate. It is interesting to note that from the aforesaid table, it is clear that even some of the cases are registered in the same police station, some are in the same district and some offences even are alleged to have been committed, when the petitioners were under custody.
7. That being the position, this court, in the totality of the matter, more particularly their period of detention, is of the view that no further custodial detention of the petitioners shall be required inasmuch as the

I/Os had enough opportunity to unearth the offences committed by the petitioners.

8. Accordingly, the petitioners namely (1) Dewan Samsuddin, (2) Ariful Islam, (3) Ramesh Ali, (4) Shahidul Islam be released on bail-

I. On executing a bail bond of Rs.50,000/-(Rupees Fifty Thousand) each with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate , Nagaon in connection with Nagaon PS 702/23 under Section 420/ 379 IPC (BA 4144/2023) and

II. On executing a bail bond of Rs.50,000/-(Rupees Fifty Thousand) each with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon in connection with Morigaon PS case No. 302/2023 under Section 420/379 IPC (BA 4290/2023) and

III. On executing a bail bond of Rs.50,000/-(Rupees Fifty Thousand) each with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hojai in connection with Doboka PS case 169/2023 under Section 379/ 420/406 IPC read with Section 66 (c) IT Act (BA No. 4008/2023), on the following conditions:

A. The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,

B. The petitioners 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,

C. The petitioners shall appear before their respective

I/Os on each and every date as and when called for.
Bail application stands disposed of.

JUDGE

Comparing Assistant