

GAHC010258222022



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

**Case No. : Bail Appln./3493/2022**

SAHIL ISLAM@SAHIL ISLAM  
S/O RAFIKUL ISLAM  
R/O JOYPUR  
P.S. HOWLY  
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. S A AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 17-01-2023**

Heard Mr. S.A. Ahmed, learned counsel for the accused-petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973, the accused-petitioner viz. Shahil Islam @ Sahil Islam has prayed for his release on bail in connection with Hatigaon Police Station Case no. 551/2022, registered for the offences under Sections 448/294/325/506/307/34, Indian Penal Code [IPC].

3. The accused-petitioner was arrested and produced before the Court of learned Chief Judicial Magistrate, Kamrup [M], Guwahati on 09.12.2022 and on being so produced, he was remanded to custody.

4. The First Information Report [FIR] was lodged by the father of the victim, Rashidul Hoque Khandakar. As per the FIR, the son of the informant was severely assaulted in his rented room on 04.12.2022 by Jahidul Islam @ Raju, Tohidul Khan @ T.K., Mohibul Hassan and Sahil Hassan. Due to such severe physical assault, the victim had sustained grievous injuries.

5. Learned Additional Public Prosecutor who has received the case diary, has submitted that the injuries sustained by the victim were grievous in nature. In so far as the involvement of the present accused-petitioner is concerned, he has submitted that the injured victim was assaulted mainly by Jahidul Islam @ Raju, Mohibul Hassan and Tohidul Khan @ T.K. It has emerged that the accused-petitioner had appeared at the place of occurrence at a later point of time.

6. Having regard to the nature of involvement found in respect of the petitioner and considering the period of his detention for 40 days since 09.12.2022, this Court is of the considered view that custodial detention of the accused-petitioner for any further period for the purpose of carrying out further

investigation appears not necessary and if the accused-petitioner is released on bail, at this stage of investigation, further investigation of the case is not likely to be prejudicially affected, provided the accused-petitioner continues to extend his assistance and cooperation in the further investigation of the case.

7. Accordingly, the accused-petitioner is allowed to be enlarged on bail on furnishing a bail bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup [M], Guwahati, subject to the following conditions :-

[1] The accused-petitioner shall cooperate with the investigation and shall thereafter, make himself available as and when his presence is required by the I.O. in the investigation of the case;

[2] The accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer; and

[3] The accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

This application stands disposed of in the afore-mentioned terms.

**JUDGE**

**Comparing Assistant**