

GAHC010260942023



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

Case No. : Bail Appln./4233/2023

AMINUR RASHUL @ SYED AMINUR RASUL
S/O ANOWAR HUSSAIN
R/O DHIRENPARA
KALI MANDIR PATH
P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

06.12.2023

Heard Mr. S. Munir, learned counsel for the accused and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Aminur Rashul @ Syed Aminur Rasul**, who has been languishing in jail hazot since 12.11.2023, in connection with the **Bhangagarh P.S. Case No. 287/2023**, under Sections

406/420 of the IPC read with Section 66 of the IT, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Jagadish Kalita, on 09.10.2023. The essence of allegations made in the FIR is that he has a bank account, being A/C No. 1226104000059404, at Nalbari and on that day he found a sum of Rs. 85,000/- has been withdrawn by using G-Pay from his aforementioned account.

4. Mr. Munir, learned counsel for the accused submits that the accused was arrested on 12.11.2023, and since then he has been languishing in jail hazot for last 24 days and that further custodial detention of the accused may not be unwarranted in the interest of investigation and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Begum, learned Additional Public Prosecutor has produced the case diary before this Court and submits that though the I.O. has achieved substantial progress in investigation, yet, she has objection in enlarging the accused on bail as he is a habitual offender and in the event of releasing him on bail, he will repeat similar kind of offence in future also.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested in this case on 12.11.2023, and since then, he has been languishing in jail hazot for last 24 days. Further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case.

8. Accordingly, balancing the period of detention with the nature of

gravity of the offence and also the stage of investigation, his further custodial detention may not be required in the interest of investigation and therefore, this Court is inclined to allow this petition. Under the aforesaid facts and circumstances, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

10. The case diary be returned.

Comparing Assistant

JUDGE