

GAHC010265572022



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

Case No. : Bail Appln./3611/2022

INTAZ ALI @ INTIJUL ALI
S/O- SIRAJ ALI, R/O- H/NO. 46, ARUNACHAL PATH, BHASKAR NAGAR, P.S.
GEETANAGAR, DIST. KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.01.2023.

Heard Mr. SM Abdullah P, learned counsel for the accused. Also heard Ms. SH Bora, learned Addl. P.P., Assam appearing for the State respondent.

This application, under Section 439 of the Code of Criminal Procedure, is

preferred by accused, namely, Intaz Ali @ Intijul Ali, who is languishing in jail hazot since 18.12.2022, in connection with the Geetanagar P.S. Case No.308/2022, under Sections 14/17 of the Assam Game and Betting Act, 1970, for grant of bail.

The aforesaid case has been registered on the basis of an F.I.R., lodged by one Chabiranjan Chakraborty, Head Constable of Geetanagar Police Station, on 17.12.2022, to the effect that acting on a tip off, they have apprehended one Intaz Ali and on search of his person, they recovered two numbers of Teer Ticket Books, a sum of Rs.1560/-, one mobile handset and one pen from his possession and he was involved in selling Teer Tickets in the Bhaskar Nagar area, under the Geetanagar Police Station.

Mr. Abdullah, learned counsel for the accused submits that the accused was arrested on 18.12.2022, and since then, he is languishing in the jail hajot for last 15 days and that the Teer Books and a sum of Rs.1,560/- have already been recovered from the possession of the applicant and the investigation, in the mean time might have been completed and therefore, Mr. Abdullah contended to allow the petition.

On the other hand, Ms. SH Bora, learned Addl. P.P., Assam has produced the case diary before this Court and submits that the I.O. has collected sufficient materials in support of the allegation made in the FIR and now the case is pending for further investigation. However, Ms. Bora submits that the accused has been thoroughly interrogated by the I.O., here in this case.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Ms. Bora, learned Addl. P.P.,

Assam.

It appears that the accused is behind the bar for last 15 days and further it appears from the case diary that material part of investigation is almost over and having regard to the nature of accusation and the punishment prescribed for the same and also the period of detention, further custodial interrogation of the accused seems to be unwarranted here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 25,000/- (Rupees twenty five thousand) only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) at Guwahati, the accused person, named above, shall be enlarged on bail, in connection with the Geetanagar P.S. Case No.308/2022.

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

The case diary be returned.

JUDGE

Comparing Assistant