

GAHC010271282022



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

Case No. : Bail Appln./3687/2022

SAFIULLA ISLAM @ SOFIULLAH ISLAM
S/O LATE KURJAT ALI,
VILL.- MOHGULI,
P.O.- SALMURA,
P.S.- NORTH LAKHIMPUR, ASSAM, PIN- 7987052.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19-01-2023

Heard Mr. S. Ahmed, learned counsel for the petitioner.

Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Safiulla

Islam @ Safiullah Islam, is praying for bail, in connection with Barpeta P.S. Case No. 1218/2022, under section 120(B)/465/420/385 of I.P.C. as the petitioner is languishing in jail hazot since 18.12.2022.

It is submitted by the learned counsel for the petitioner that the accused petitioner is innocent and no way connected with the alleged offence, he has been falsely implicated in this case only to harass him by the said Babul Ali from whose house the present petitioner was arrested by police. It is further submitted that the present accused is an educated person and was employed under the said Babul Ali but Babul Ali did not paid salary to him for last 6/7 months and he went the house of the Babul Ali only to receive his salary and then Babul Ali, in connivance with the police, falsely implicated the accused person and police arrested the accused person with some false allegations and since then, the accused petitioner is behind the bar. It is further submitted that the I.O has got sufficient time to interrogate the accused and hence, further custodial interrogation is not at all necessary. More so, the accused being a local person and a permanent resident of the locality will extend his full co-operation with the further investigation of the case, if he is enlarged on bail.

On the other hand, it is submitted by Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam that sufficient incriminating materials is found against the accused petitioner in the case diary, which reveals that the present accused petitioner is involved in the alleged offence and there were three other accused persons also evolved with the offence, who are yet to be booked by the police. Further, the investigation is still in progress for which, further interrogation of the present accused may be necessary for the interest of just and proper investigation of the case.

After hearing the submission of learned counsel for the both sides and I have

also perused the case diary which reveals that I.O already collected sufficient incriminating materials against the present accused showing his direct involvement with the alleged offence. Considering the nature of offence, further custodial interrogation may be necessary in the interest of just and proper investigation of the case and also to book the other culprits involved in the present case.

Accordingly, I do not find it proper to grant the bail to the accused petitioner at this stage. Hence, the bail prayer of the present petitioner stands rejected at this stage.

Case diary be retained.

Bail application stands disposed of.

JUDGE

Comparing Assistant