GAHC010272112022

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

**Case No. : Bail Appln./6/2023**

ANSER ALI
S/O LT. MAHAMMAD ALI
VILL- KATAHBARI NO. 2, MASJID GOLI,
H. NO. 6, P.S. GARCHUK, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

**Advocate for the Petitioner** : MR F HAQUE
**Advocate for the Respondent** : PP, ASSAM

**BEFORE**
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**
**ORDER**

**Date : 17-01-2023**

Heard Mr. H. Haque, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Public Prosecutor for the State respondent.

This application, under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, Shri Anser Ali, who has been arrested in connection with Gorchuk P.S. Case No. 374/2022 corresponding to G. R. Case No. 9800/2022, under Section 120(B)/406/420/384 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by Mr. Haque, learned counsel for the applicant, that the applicant is innocent and is not at all involved in the alleged offence as stated in the F.I.R. He has been arrested in connection with this case only on mere suspicion. The learned counsel for the applicant also submits that the accused/applicant has also paid rent to the G.S.M.C. Market Committee and he is the allotee of Pamohi Market. Further, he is behind the bar since 10.12.2022. Hence, considering his length of detention, he may be released on bail. Further, the applicant is a permanent resident of the locality and hence there is no chance of absconding if the accused is enlarged on bail. Rather, he will fully co-operate with the I.O. in further investigation of the case and therefore, it is prayed to enlarge the accused on bail.

In this context, Mr. P. Borthakur, learned Public Prosecutor, has submitted that in Annexure-3, though, it is seen that some rent had been paid by the accused/applicant, but, there is no other document available in the case diary to prove that the present accused/applicant is the allotee of the said market. However, it is submitted by the learned Public Prosecutor that considering the length of detention undergone by the present accused/applicant, he may be enlarged on bail.

After considering the submissions of learned counsels of both sides, I have perused the Case diary as well as considering all above aspects of the case and also considering the length of detention already undergone by the accused/applicant, I am of the view that further custodial interrogation of the accused is not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/applicant, namely, Shri Anser Ali**,** be enlarged on bail, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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 him from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, without prior permission.

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

Case Diary be returned.

**JUDGE**

**Comparing Assistant**