

GAHC010279482023



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

Case No. : Bail Appln./4518/2023

ABUBAKKAR SIDDIQUE @ ABU BAKKAR SIDDIK AND ANR
S/O ABDUL KASHEM SHEIKH
R/O VILL- LALKURA
PART-II, P.S. GAURIPUR, DIST. DHUBRI, ASSAM

2: RAZ ALI
S/O ABUBAKKAR SIDDIQUE
R/O VILL- LALKURA
PART-II
P.S. GAURIPUR

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A MONDAL

Advocate for the Respondent : PP, ASSAM

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

19.12.2023

Heard Mr. M. A. Mondal, learned counsel for the applicants. Also heard Mr. I. Borthakur, learned Standing Counsel for the Forest Department.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, are preferred by accused/applicants, namely, Abubakkar Siddique @ Abu Bakkar Siddik and Raz Ali who has been languishing in jail hazot since 26.10.2023 in connection with Ref: Letter No. RP/23-24/Illegalities/19/194, registered under Sections 24/25/34/40/49 of AFR, Vol. VII of 1891.

Mr. I. Borthakur, learned Standing counsel for the Forest Department has submitted that the accused/applicants earlier bail applications dated 10.11.2023 and 04.12.2023 was rejected by the learned CJM, Korajhar and the learned Sessions Court, Korajhar respectively. He also submitted an Offence Report provided by the said Department.

In this regard, Mr. M. A. Mondal, learned counsel for the applicants has submitted that the applicant No.1/Abubakkar Siddique @ Abu Bakkar Siddik is the care taker of the forest area, and on the day of the unfortunate incident his son i.e the applicant No.2/Raz Ali was on duty. He also submitted that the aforesaid Department has already submitted the Offence Report and hence, there is no question of hampering and tampering of the evidences. Further, the accused/applicants are behind the bar since 26.10.2023, thus, the I.O. got ample opportunity to interrogate the accused/applicants keeping them in custody for a considerable period. So, considering this aspect of the case and also considering the length of detention undergone by the accused/applicants, further custodial detention of the accused/applicants, in the interest of investigation, seems to be unwarranted here in this case.

Considering the submissions of learned counsel for both sides and also considering the fact that the Offence Report has already been submitted by the Department and further considering the length of detention already undergone by the accused/applicants, I am of the

view that the I.O. has got ample opportunity to interrogate the accused/applicants in the custody and accordingly, further custodial interrogation of the accused/applicants seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with one surety of like amount to the satisfaction of the learned CJM, Kokrajhar, the accused/applicants, namely, **Abubakkar Siddique @ Abu Bakkar Siddik** and **Raz Ali**, be enlarged on bail, subject to the following conditions:

- (i) that the applicants shall make themselves available for interrogation by the Investigating Officer as and when required; and
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer.

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

JUDGE

Comparing Assistant