

GAHC010288292023



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

Case No. : Bail Appln./4602/2023

MD. KOSIMUDDIN @ KASIM UDDIN KHAN
S/O TOMSER ALI KHAN
VILL- BHULUKABARI, P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

For the Petitioner(s) : Mr. F. A Hassan, Advocate

For the Respondent(s) : Mr. D. Das, Addl. Public Prosecutor

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22-12-2023

1. The instant application has been filed under Section 439 of the Code of Criminal Procedure, 1973 praying for bail to the accused namely **Md. Kosimuddin @ Kasim Uddin Khan** in connection with Sessions Case No.54/2019 pending in the Court of the learned Sessions Judge, Kamrup at Amingaon in respect to offences punishable under Sections 448/366/511/34 of the Indian Penal Code.
2. From a perusal of the documents on record, it reveals that pursuant to an

FIR filed on 11.04.2017, the charge sheet was filed wherein the Petitioner was arrayed as a charge sheeted accused. In the said charge sheet, it was shown that the Petitioner was an absconder.

3. During the course of hearing, the learned counsel appearing on behalf of the Petitioner had produced a certified copy of an order dated 05.01.2019 passed by the Judicial Magistrate, First Class, Kamrup at Amingaon wherein it has been mentioned that the Petitioner was allowed to go on bail on execution of bail bond of Rs.20,000/- with one surety of the same amount. Thereupon, the Petitioner continued to remain on bail. However, when the proceedings were committed in the Court of the Sessions Judge, Kamrup at Amingaon, the Petitioner did not appear on various dates for which a non-bailable warrant of arrest was issued against the Petitioner. Thereupon, the Petitioner surrendered before the Court on 28.11.2023. Upon the Petitioner's appearance and surrender, the Petitioner was sent to the jail hajot and since then, the Petitioner has been in judicial custody. It is under such circumstances, the instant bail application was filed.

4. This Court upon taking into consideration the matter in its entirety is of the opinion that the further detention in respect to Sessions Case No.54/2019 of the Petitioner is not required. The Petitioner can be enlarged on bail subject to certain stringent conditions imposed.

5. Accordingly, this Court therefore grants the regular bail to the Petitioner in Sessions Case No.54/2019 on the following terms and conditions:

(i) The Petitioner shall execute a bail bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Sessions Judge Kamrup (M) at Amingaon.

(ii) The Petitioner shall not leave the jurisdiction of the Court of the Sessions Judge, Kamrup at Amingaon without taking due permission.

(iii) The Petitioner shall appear on each and every date in respect to Sessions Case No.54/2019 without fail.

(iv) If however, for circumstances beyond the control of the Petitioner, he is not in a position to appear before the Court, the counsel representing the Petitioner in Sessions Case No.54/2019 shall duly inform the learned Sessions Judge, Kamrup at Amingaon about the said aspect of the matter.

(v) It is further made clear that in the circumstance, the Petitioner violates any of the terms and conditions mentioned hereinabove, the instant bail so granted to the Petitioner shall be cancelled without any further reference.

6. With above observations and directions, the instant Bail Application stands disposed of.

JUDGE

Comparing Assistant