

GAHC010002172024



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

Case No. : Bail Appln./23/2024

MOH MIYAR ALI AND ANR
S/O AKABOR ALI
R/O VILL- NALDOBA
DIST. BONGAIGAON, PIN-783372
STATE- ASSAM

2: JAYNAL ABEDIN
S/O LATE YAKUB ALI
R/O VILL- NALDOBA
DIST. BONGAIGAON
ASSAM
PIN-78337

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B PATHAK

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 13.02.2024

Heard Mr. B. Pathak, learned counsel for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure for grant of bail to the accused/petitioners, who have been arrested in connection with Bongaigaon P.S. Case No. 542/2023, under Sections 120(B)/328/364(A) of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Pathak, learned counsel for the petitioners, that the accused/petitioners are innocent and no way involved in the alleged offence. Further he submitted that it is a case of honey trapping. However, they are still ready and willing to co-operate with the I.O. in the further investigation of the case if they are enlarged on bail. Further it is submitted that accused/petitioners are behind the bar since 19.12.2023 and considering their length of detention, they may be released on bail.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that the I.O. has collected sufficient incriminating materials against the present accused/petitioners. However, he submitted that the length of detention may be considered.

After hearing the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary and the progress of the investigation, I find that the I.O. has got ample opportunity to interrogate the accused/petitioners keeping them in the custody and accordingly, without going into the other aspects of the case, considering the length of detention already undergone by the accused/petitioners, I am of the view that further custodial interrogation of the accused/petitioners 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) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, the accused/petitioners, (i) Moh Miyar Ali & (ii) Jaynal Abedin, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners 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

- (ii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Bongaigaon, without prior permission.

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

JUDGE

Comparing Assistant