

GAHC010002382024



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

Case No. : Bail Appln./34/2024

MD. ABDUL KADIR AND 2 ORS.
S/O. ALI AKBAR, R/O. VILL- GOHAINDOLONI, P/S- BIHPURIA, DIST-NORTH
LAKHIMPUR, STATE- ASSAM,
PRESENT ADDRESS-3 NO. GATE, COKE FACTORY, MOROKDOLA, P.S.
SONAPUR, DIST- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.02.2024

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. D. Medhi, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 praying for grant of bail to the accused/petitioners, who have been arrested in connection with Sessions Case No. 239/2023, under Sections 120(B)/420/511/ 489(A)/489(C) of the Indian Penal Code, arising out of Basistha P.S. Case No. 572/2023.

Scanned copy of the LCR has already been received and I have perused the same.

It is submitted by the learned Senior Counsel, Mr. Choudhury, that he is not pressing this matter on merit, but prayed for enlargement on bail to the accused/petitioners only considering the length of detention. All the petitioners are young in age and they were arrested in connection with the present case on 21.09.2023 and since then, they are in custody. In the meantime, the case has already been Charge-Sheeted and the charges have also been framed against all the accused/ petitioners. Further he submitted that all the accused persons are the local persons and they will appear before the Court as and when they will be called for. The learned Senior Counsel further submitted that though the charges have already been framed, but there are several witnesses to be examined and hence, considering the length of detention, they may be allowed to go on bail.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that it is a fact that the case has already been Charge-Sheeted and the charge is also framed against the present accused/petitioners. Further he

submitted that there are sufficient materials in the case Diary.

Considering the submissions made by the learned counsels for both sides and also considering the length of detention undergone by the accused as well as considering the fact that till date, no witness are being examined and some more time will be required for examination of all the prosecution witnesses, I find it justified to allow the present accused/petitioners to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with 2 (two) sureties of like amount to the satisfaction of the learned Additional Sessions Judge, FTC(3), Kamrup(M), Guwahati, the accused/petitioners, namely, (i) Md. Abdul Kadir, (ii) Samir Uddin & (iii) Robi Ali, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall appear before the Court as when the date is fixed;
- (ii) 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
- (iii) that the petitioners shall not leave the jurisdiction of the learned Additional Sessions Judge, FTC(3), Kamrup(M), Guwahati, without

prior permission.

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

JUDGE

Comparing Assistant