

GAHC010002882024



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

Case No. : Bail Appln./67/2024

MUSLIM UDDIN AND 5 ORS
S/O- MD. BILLAL HUSSAIN, R/O- VILL- RAM HARI CHAR ROSID KUR, P.S.
PANCHARATNA, DIST.- GOALPARA, ASSAM

2: GOLAM HUSSAIN
S/O- ARMAN ALI
R/O- VILL- PANI KHATI 7 NO. CHAR P.S. SUALKUCHI
DIST.- KAMRUP
ASSAM

3: KASHEM ALI
S/O- LATE ABDUL ALI
R/O- VILL- SATBHONI CHANDAMARI
P.O. BALBOLAI
P.S. AGIA
DIST.- GOALPARA
ASSAM

4: SANIDUL ALI
S/O- MD. YEASIN ALI
R/O- VILL- RAMBARI CHAR RASID KUR
P.S. PANCHARATNA
DIST.- GOALPARA
ASSAM

5: ABDULLA HAQUE @ ABDUL HAQUE
S/O- MD. JAHARUL ISLAM
R/O- VILL- THAPKI
P.S. BAGOWAN
P.O. JAYPUR BAZAR
DIST.- GOALPARA
ASSAM

6: HASEN ALI

S/O- MD. SIDDIK ALI
R/O- VILL- JAYPUR BAZAR
P.S. BAGOWAN
DIST.- GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 12.02.2024

Heard Mr. AK Azad, learned counsel for the petitioners and Mr. KK Parasar, learned Addl. Public Prosecutor for appearing on behalf of the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, praying for regular bail, who were arrested on 28.12.2023 in connection with Garchuk P.S. Case No.374/2023, registered under Sections 379/413 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by Mr. Azad, the learned counsel for the petitioners that the accused/ petitioners are poor persons and scrape dealers, who are to receive scrape items from door to door and stored for sale. He further submits that the petitioners are not involved with the offence as alleged in the FIR and considering the length of detention they may be enlarged on bail.

In this Context, Mr. Parasar, the learned Additional Public Prosecutor has submitted

that the petitioners are scrape dealers and some stolen materials have already been recovered from their possession. However, considering the length of detention, their prayer for bail may be considered.

In view of the above, considering the submission of the learned counsel for the parties and also considering the fact that the I.O. has got ample opportunity to interrogate the petitioners during custody, I find that this is a fit case to enlarge the petitioners on bail considering the length of detention. It is directed that the accused/ petitioners be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

The direction for bail is, however, subject to the conditions that the accused-petitioners:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (c) 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.

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

Return the case diary.

JUDGE

Comparing Assistant