

GAHC010015312024



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

Case No. : Bail Appln./236/2024

MADUL HUSSAIN @ MAHMADUL HUSSAIN
S/O NUR ISLAM
R/O BHAKUWAMARI
P.S. ULUANI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.02.2024

Heard Mr. S.M. Abdullah P., learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Madul Hussain @ Mahmadul Hussain, who has been languishing in jail

hazot since 12.01.2024 in connection with Samaguri P.S. Case No.17/2024, under Sections 120(B)/420/387/506/34 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Ashish Debbarma on 11.01.2024. The essence of allegation made in the FIR dated 11.01.2024 is that on 09.01.2024, the informant came to Samaguri to purchase one used car, bearing Registration No. AS-02-AM-5487, from one Abdur Rahman, fixing the price at Rs. 1,50,000/- and on reaching the house of Abdur Rahman, along with Mahmadul Hussain, Aziz and two-three other persons, first took away the sum of Rs. 1,50,000/- and also threatened to kill him if he inform the matter to the police.

4. Mr. Abdullah, the learned counsel for the accused submits that the accused was arrested on 12.01.2024, and since then, he has been languishing in jail hazot for the last 26 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor submits that investigation of the case is going on and the case is pending for arrest of other co-accused and that a sum of Rs. 5,900/- was recovered from the possession of the present accused, and the I.O. has also collected some materials against the accused, and therefore, Mr. Baruah has opposed the application.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. R.J. Baruah, learned Addl. Public Prosecutor.

7. It appears that the I.O. has collected some materials in support of the allegation made in the FIR against the present accused. But, in view of the

stage of investigation and considering the period of detention and balancing the same with the nature and gravity of the offence, this Court is of the view that further custodial detention of the accused may not be required for the investigation, and therefore, this Court is inclined to allow the application.

8. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned SDJM, Kaliabor, the accused be enlarged on bail.

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

10. Case diary be returned.

JUDGE

Comparing Assistant