

GAHC010015602024



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

Case No. : Bail Appln./230/2024

MD. ALI MALLIK
S/O LATE SAHALAM MALLIK
PRESENT RESIDENT OF HOUSE NO. 18, MASJID GALI, SANTIPUR, P.S.
BHARALU, DIST. KAM RUP (M), ASSAM
PERMANENT ADDRESS- VILL- SAORA P.O. SAORA
P.S. GOGHAT
DIST. HOOGHLY, STATE- WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR MUSTAFIZUR AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 07.02.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner and Mr. KK Das, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner namely, MD. Ali Mallik, praying for regular bail, who was arrested on 05.01.2024 in connection with Hatigaon P.S. Case No. 259/2023 under Section 392 IPC.

Case diary as called for is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the petitioner is in no way connected with the alleged offence and the statement of the FIR, forwarding report and statement of the other accused person, namely, Amir Ali and Tinku Medhi, the involvement of the petitioner is not found. The petitioner is a local resident and the gold chain was snatched away by the other accused persons and he is the only receiver of the stolen property. The accused petitioner is in custody for last 34 days. He received the stolen property on good faith and was not aware that the property was a stolen goods.

In this context, Mr. KK Das, the learned Addl. PP has submitted that there are materials against the accused petitioner showing that he is the receiver of the stolen property. More so, the case is still under investigation. Hence, at this stage, bail may not be considered. He further submitted that there are other cases registered against the accused person with similar kind of allegation.

He further submitted that perusal of the case diary as well as the forwarding report, it is seen that the present petitioner is the receiver of the stolen property and his case is attracted under Section 411 IPC and it in the subsequent stage may attract under Section 413 IPC.

The learned counsel for the petitioner submitted that the petitioner is ready and willing to cooperate with the investigation and trial and he may be released on bail. No other case is pending against him.

Considering the submission of the learned counsel for the petitioner, materials in the case diary and considering the fact that the petitioner was never in police remand, further custodial interrogation may not be required.

In view of the above submissions and considering the period of detention, prayer for bail is allowed. Accordingly it is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (Metro), Guwahati in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (1) shall not leave the territorial jurisdiction of the learned CJM, Kamrup (M), Guwahati, without prior written permission from him/her;
- (2) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (3) 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