

GAHC010016422024



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

Case No. : Bail Appln./245/2024

MD. ISLAM UDDIN
S/O KHURSHID ALI
R/O BARAMA BEEL
P.S. SAMAGURI
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

30.01.2024

Heard Ms. F. Hussain, learned counsel for the accused and Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Md. Islam Uddin**, who has been languishing in jail hazot since 09.01.2024, in connection with the **Samaguri P.S. Case No. 15/2024**, under Sections 379/411 of the IPC, for

granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Hobikul Islam, on 09.01.2024. The essence of allegation made in the FIR is that on the night of 08.01.2024, some unknown culprits have committed theft of one bullock from his cowshed and another from Hawa Bibi's cowshed and on 09.01.2024, at about 10:00 am, they have recovered the stolen bullock from the house of Islam Uddin.

4. Ms. Hussain, learned counsel for the accused submits that the accused person was arrested on 09.01.2024, and since then he has been languishing in jail hazot for last 21 days. Ms. Hussain further submits that the stolen bullocks have already been recovered and seized by the police. Ms. Hussain also submits that the son of the accused has purchased the aforesaid bullocks without knowing that the same are stolen bullock and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. Sarma, learned Additional Public Prosecutor, has opposed the bail petition and has prayed for calling the case diary to ascertain the veracity of the allegation made against the accused.

6. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

7. It appears that the accused person was arrested on 09.01.2024, and since then he has been languishing in jail hazot for last 21 days. Further, it appears that the stolen bullocks have already been recovered and seized by the police.

8. Having considered above and balancing the period of detention with the nature and gravity of the offence and also considering the submissions of learned counsel for both the parties, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, 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 bail application stands disposed of.

Comparing Assistant

JUDGE