

GAHC010019902024



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

Case No. : Bail Appln./339/2024

RAJIBUL ALI
S/O- MD. AKKAESH ALI, VILL- RAHAMPUR, P.S. BARPETA, DIST.-
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR M CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.02.2024

Heard Mr. M. Mondal, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal

Procedure, 1973 for grant of bail to the accused/ petitioner, who has been arrested in connection with Sonapur P.S. Case No. 263/2023, under Section 395 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Mondal, learned counsel for the petitioner, that the accused/petitioner is innocent and he has been falsely implicated in this case. However, the stolen articles have already been recovered by police. The accused/petitioner is behind the bar for last 79 days and considering his length of detention, he may be enlarged on bail. He is still ready and willing to cooperate with the I.O. in the further investigation of the case if he is enlarged on bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioner, who was a handiman of one of the vehicle wherefrom the stolen goods (Pan Masala) were recovered. However, considering the length of detention, his bail prayer may be considered.

After considering the submissions made by the learned counsels for both sides and also on perusing the Case Diary, it is seen that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping them in the custody and accordingly, without going into the other aspects of the case, only considering the length of detention already undergone by the accused/petitioner, I find that further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Shri Rajibul Ali, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully cooperate with the I.O. in the further investigation of the case;
- (ii) that the petitioner 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 petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant