

GAHC010021352024



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

**Case No. : Bail Appln./340/2024**

FIROJ ALI  
S/O- LIYAKAT ALI, RO UJJAL NAGAR KALI MANDIR PATH DHIRENPARA  
P.O. FATASIL AMABARI, P.S. FATASIL AMBARI DIST. KAMRUP M ASSAM  
PIN 781025

VERSUS

THE STATE OF ASSAM  
REP BY THE PP ASSAM

**Advocate for the Petitioner : MR A H AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 22.02.2024**

Heard Mr. A. H. Ahmed, learned counsel for the petitioner. Also heard Mr. K. K. Das, 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 on 31.12.2023 in connection with Fatasil Ambari P.S. Case No. 335/2023 (corresponding to G.R. No. 9608/2023), under Sections 397/302/34 of the Indian Penal Code.

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

It is submitted by Mr. Ahmed, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has not committed any such offence as alleged in the F.I.R. However, it is a fact that there was a quarrel took place between the informant and the present accused/petitioner on a small issue of fare of tempo and the informant also threatened the petitioner that he will teach a lesson to him. But he is not involved in the alleged offence and he has been falsely implicated in this case only due to previous grudge. He is behind the bar for last 54 days and the I.O. got ample opportunity to interrogate the accused/petitioner keeping him in custody and hence further custodial detention is not necessary for the present accused/petitioner and accordingly prayed for allowing the accused/petitioner to go on bail.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that it is a fact that the quarrel took place between the present accused/petitioner with the informant and the victim, but it is not specific as to who give any fatal blow on the victim. Further, from the medical report, it is seen that the deceased died due to assault as a result of altercation and scuffle between the parties. Accordingly, he raised objection in allowing the accused to

go on bail at this stage.

Considering the submissions made by the learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in the custody and accordingly, 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. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/petitioner, namely, Firoj Ali, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate 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**