

GAHC010024642024



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

Case No. : Bail Appln./359/2024

MD. BABUR ALI @ BABAR
S/O MD. HUSSAIN ALI
R/O CHAPAI DALGAON
P.S. DHULA
DIST. DARRANG, 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 MRS. JUSTICE MALASRI NANDI

ORDER

23.02.2024

Heard Mr. J. Ali, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Md. Babur Ali @ Babar**, in connection with **Numaligarh**

Rural PS Case No. 46/2023 registered under Sections 420/409 of IPC read with Section 66(D) of I.T. Act.

Case diary as called for is placed before the Court.

It is submitted by the learned counsel for the petitioner that he has taken only Rs.15,000/- from the informant for opening customer service Point of Boroda Bank and he is now ready to return the money to the informant. Learned counsel for the petitioner further submitted that the petitioner was arrested on 13.01.2024 and he has been detained in custody for 41 days and considering his length of detention, bail may be granted to the petitioner.

Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam has produced the case diary and submitted that the petitioner admitted that he has taken money from the informant for opening customer service Point of Boroda Bank. He further submitted that considering the length of detention, bail may be granted to the petitioner.

After considering the submissions made by the learned counsel for both the parties and also considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 20,000/-** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Golaghat** subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused 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 Police Officer or the Court; and

- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

Return the case diary.

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

JUDGE

Comparing Assistant