

GAHC010025902024



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

Case No. : Bail Appln./435/2024

HABIBUR RAHMAN
S/O LT. KUTAL ALI @ MIYA
VILL- BAMUNGAON
P.S. LANKA
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.02.2024

Heard Mr. M Hoque, learned counsel for the petitioner as well as Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is a second application filed under Section 439 CrPC by the petitioner, namely, Habibur Rahman, seeking release on bail in connection with Session Case No. (1) 11(H)/2018 arising out of Lanka P.S. Case No. 34/2017 under Sections 120(B)/302 IPC,

pending before the learned Sessions Judge, Hojai.

The petitioner is facing trial in the aforesaid case. The case is under section 302 of the Indian Penal Code. In the last order which was passed on 19.01.2024, this court has held that the trial is at fag end and already 10 (ten) witnesses were already examined.

Mr. Hoque also submits that the petitioner has already undergone 129 days in custody and he should be released on bail considering the same as a ground for releasing.

On the other hand, Mr. Kaushik submits that releasing the petitioner on bail will cause delay in disposing the case.

I have considered the submission made by the learned counsel for both the parties and decided to agree with the submission of Mr. Kaushik that entertaining the bail petition of the petitioner at this stage will cause delay in disposing the case pending against the petitioner before the trial court. Hence, the bail application is rejected and disposed of accordingly.

JUDGE

Comparing Assistant