

GAHC010029892024



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

Case No. : Bail Appln./432/2024

NURUL HUSSAIN
S/O ANOWAR HUSSAIN
R/O SUNDARBAN NAGAR,
P.S. HATIGAON,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A S CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.02.2024

Heard Mr. M. Mondal, learned counsel for the accused/ petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the accused/ petitioner, namely, Nurul Hussain, praying for regular bail, who was arrested on

02.01.2024 in connection with Hatigaon P.S. Case No. 01/2024, registered under Sections 279/ 353/ 307/ 511/ 427 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by Mr. Mondal, learned counsel for the petitioner that the accused/ petitioner is behind the bar since 02.01.2024 i.e. for last 50 days and he further submits that the matter is purely a case of accident and there is no question of attracting the ingredients of Sections 353/ 307 of the IPC as alleged in the FIR. However, he submits that the accused/ petitioner is ready and willing to cooperate with the investigating officer and considering the length of detention undergone by the petitioner, his bail prayer may be considered.

In this Context, Mr. Borthakur, learned Additional Public Prosecutor has submitted that though the matter is basically a case of accident but the conduct of the accused/ petitioner seems that it was an intentional hit caused by the accused/ petitioner and that the case is registered under Section 307 IPC. However, he submits that considering the length of detention undergone by the accused/ petitioner, prayer for bail may be considered.

Considering the submissions of the learned counsel for the parties and the materials available in the case diary as well as considering the length of detention already undergone by the accused/ petitioner, prayer for bail is allowed.

In view of the above, it is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

The direction for bail is, however, subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (c) 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.

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

Return the case diary.

JUDGE

Comparing Assistant