

GAHC010030502024



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

Case No. : Bail Appln./442/2024

ASIF ALI @ ASIEF ALI
S/OLATE SECANDAR ALI
R/O VILL- RANGAJAN BORBEEL,
P.O. RANGAJAN, P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 06-03-2024

Heard Mr. J.C. Gogoi, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam, appearing for the State respondent.

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

Procedure, 1973, praying for granting bail to the petitioner, i.e. Ashif Ali @ Asief Ali, who was arrested on 29.07.2023 in connection with Sessions Case No. 230(NL)/2023 arising out of North Lakhimpur P.S. Case No. 285/2023, registered under section 380/302/34 of IPC.

The case of the prosecution is that on 28.07.2023, the informant's son saw two men taking a goat from the informant's brother's house on a motorcycle. He accordingly started shouting and chased the said two men in his scooty. However, the two men took advantage of the darkness and seriously injured his son with a sharp weapon. Though his son was taken to the hospital, he was declared dead. Accordingly, FIR was registered.

Mr. J.C. Gogoi, learned counsel for the petitioner submits that the petitioner was not present in the place of occurrence and it was only his wife's motor cycle which was mortgaged to one Mr. Safiquil Ali, who is the prime accused in the matter was used in the subject crime. He further submits that that the present petitioner has been arrested merely on the basis that his wife is the registered owner of the said motorcycle which was used in the incident.

Mr. K.K. Parasar, learned Addl. P.P on the other hand fairly placed before this Court from the case diary that the petitioner had mortgaged his wife's motor cycle to one Safiquil Ali, who used the same on the date of the incident. In view of the aforesaid submission, this Court is of the considered view that further detention of the petitioner is not justified.

Accordingly, it is provided that the accused petitioner named above shall be released on bail in connection with above noted case with a bail bond of Rs. 15,000/- (Rupees fifteen thousands) only with one surety of like amount, to the satisfaction of the learned Sessions Judge, Lakhimpur, North Lakhimpur subject

to the following conditions:

1. That the petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when so required by the Trial Court;
2. The petitioner shall not directly or indirectly make any indecent, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trail.

It is needless to clarify that the aforesaid observations made here are only for the purpose of considering the bail application.

Return the up to date case diary.

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

JUDGE

Comparing Assistant