

GAHC010031032024



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

Case No. : Bail Appln./439/2024

MOBAROK ALI
S/O MAJIRUDDIN AHMED
R/O VILL- MOLANDUBI, PT.I,
P.S. KRISHNAI, DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. S K JAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04.03. 2024

Heard Mr. SK Jain, learned counsel for the petitioner and Mr. BB Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner Mobarok Ali, praying for regular bail, who was arrested on 11.01.2024 in connection with Bongaigaon P.S. Case No. 542/2023 under Sections 120B/ 328/ 364A IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by Mr. Jain, the learned counsel for the petitioner that the accused is no way involved with the alleged offence and as per the version of the FIR, he accompanied the victim to the place of occurrence on the date of incident. That apart, there is no allegation against the present petitioner. He is behind the bar for last 52 days in connection with the aforementioned case. So, considering the length of detention, he may be enlarged on bail. However, he is ready and willing to appear before the I.O. as and when required for the purpose of further investigation of the case.

In this Context, Mr. BB Gogoi, the learned Additional Public Prosecutor has submitted that the statement of the petitioner is not available in the case diary and the informant and other co-accused persons have not mentioned the name of the present accused person showing his involvement. Accordingly, he submitted that considering the length of detention, he may be enlarged on bail.

After hearing the submissions of the learned counsel for the parties and considering the materials available on the record vis -a - vis considering the length of detention and also considering the fact that the I.O. has got ample opportunity to interrogate the accused, I find that further custodial interrogation of the accused may not be required. Accordingly, I find it to be a fit case to enlarge the petitioner on bail.

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 CJM, Bongaigaon in connection with the aforementioned case.

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

- (a) shall not leave the territorial jurisdiction of the learned CJM, Bongaigaon, 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