

GAHC010033402024



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

Case No. : Bail Appln./477/2024

JUBAIR AHMED @ MINHAJEAL ABEDIN
S/O MONOHAR ALI
R/O VILL- BAGHAN
P.O KATHALTOLI,
P.S. BAZARICHERA
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A T M HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

21.02.2024

Heard Mr. A.T.M. Hussain, learned counsel for the petitioner. Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/petitioner, namely, Jubair Ahmed @ Minhajeal Abedin, who has been languishing in jail hazot since 06.01.2024 in connection with Bazaricherra P. S. Case No. 06/2024, registered under Sections 147/148/149/ 152/341/353/307/332/392/436/511 of the Indian Penal Code.

Mr. Hussain, learned counsel for the petitioner has submitted that the accused/petitioner is innocent and he is no way involved in the alleged offence as well as his name is not mentioned in the FIR. However, he was arrested on suspicion in connection with this case on 06.01.2024 and thus, he has been in custody for last 46 days. He also submits that the accused/petitioner is a student of B.A. last Semester and his examination will commence from 22nd of March' 2024. Accordingly, he prayed to enlarge the accused/petitioner on bail, considering his length of detention.

In this context, Ms. Bhuyan, learned Additional Public Prosecutor has submitted that the Case Diary will reveal the actual fact of the case and accordingly insisted for a short date on calling for the Case Diary before passing any order for bail.

Considering the submissions of learned counsel for both sides as well as considering the length of detention already undergone by the accused/petitioner i.e. 46 days and also bearing the fact that the accused/petitioner is a student, this Court is of the opinion that further custodial detention of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj, the accused/petitioner, namely, Jubair Ahmed @ Minhajeal Abedin, be enlarged on bail, subject to the following conditions:

- (i) that the 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 Court or to any police officer; and
- (ii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Karimganj, without prior permission.

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

JUDGE

Comparing Assistant