

GAHC010036222024



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

Case No. : Bail Appln./517/2024

ABDUL KARIM @ KORIM SK. @ ABDUL KORIM
S/O ABDUL HAMED
VILL- DAYERCHAR
P.O. FEKAMARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783135

VERSUS

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

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

04.03.2024

Heard Mr. M.R. Khandakar, learned counsel for the petitioner. Also heard Mr. P.P. Borthakur, learned Additional Public Prosecutor, Assam.

This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Abdul Karim @Korim Sk. @Abdul Korim, who has been detained in connection with South Salmara (SSM) P.S. Case No. 06/2024 (corresponding to G.R. No. 15/2024) under Section 147/447/325/326/307/506 of the IPC.

The facts of the case is that on 06.01.2024, an FIR was lodged by the informant to the effect that the petitioner along with other FIR mentioned persons attacked the informant's father and uncle with sharp weapons resulting grievous injuries on their heads.

Mr. M.R. Khandakar, learned counsel for the petitioner submits that there is a land dispute between the petitioner and the informant's family because of which the incident took place. In fact the petitioner has also lodged an FIR on the same date i.e. on 06.01.2024. Therefore, he further submits that the petitioner has been languishing in jail since last 57 days.

Mr. Borthakur, learned Additional Public Prosecutor, on the other hand, strongly opposes the prayer for bail. He submits that the statements of the witnesses under Section 161 of the Cr.P.C. have already been recorded. He further submits that the injury report indicates that grievous injuries have been sustained by the informant and his uncle.

I have heard the submissions at the bar and perused the materials available on record.

It appears from the case diary produced before this court that the accused was last interrogated, on 03.02.2024. It further appears that the investigation has progressed substantially and the statements of the witness have already been recorded under Section 161 of the Cr.P.C.

Considering the length of detention and the totalities of the matter, this court is of the considered view that further detention of the petitioner is not

justified.

In view of the above, the above named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, South Salmara, Mankachar (SSM) in connection with the above mentioned case, subject to the conditions that:-

- (i) the petitioner shall appear before the Investigating Officer within 7 days, failing which from the 8th day, the interim pre-arrest bail shall have no force;
- (ii) the petitioner shall not directly or indirectly make any inducement, 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 disclosing such facts before the Investigating Officer or to any Court; and
- (iii) the Trial Court may impose any additional condition if it deems fit to do so for the sake of fair trial against the petitioner.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant