

GAHC010038012024



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

Case No. : Bail Appln./512/2024

ANARUL ISLAM AND ANR.
S/O SUKUR ALI
R/O KADAMGURI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

2: MUZAHIDUL ISLAM
S/O LATE ABDUL MALEK
R/O KADAMGURI
P.S. RUPAHIHAT
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

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

23.02.2024

Heard Ms. F. Hussain, learned counsel for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who are languishing in jail hazot since 17.02.2024 in connection with Uluani P.S. Case No. 03/2024, registered under Sections 461/380 of the Indian Penal Code read *with* Section 413 of IPC.

The case diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Ms. Hussain that the petitioners were arrested merely on suspicion in connection with this case. It is a case of theft of 2(two) Nos. of female cows, but, the present petitioners were not at all involved in the alleged offence and accordingly, he prays to allow the petitioners to go on bail. They are still ready and willing to co-operate the further investigation of the case, if they are enlarged on bail.

On the other hand, Mr. Das, the learned Additional Public Prosecutor has submitted that the accused/petitioners were arrested on suspicion in connection with this case on 17.02.2024, and till date, no materials has been collected by the I.O. against the said accused/petitioners. Hence, he raised no objection on the prayer made by the learned counsel for the accused/petitioners.

Considering the submissions of learned counsels for both sides as well as considering the fact that the accused/petitioners were arrested on mere suspicion, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners 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 each with one surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Kaliabor, the accused/petitioners, namely, **Anaraul Islam** and **Muzahidul Islam** be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Sub-Divisional Judicial Magistrate, Kaliabor, without prior permission.

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

JUDGE

Comparing Assistant