

GAHC010038662024



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

Case No. : Bail Appln./561/2024

HASEN ALI
S/O- LT. SAHID ZAMAN @ LT SAYED JAMAL MANDAL VILLAGE -
HARIRCHAR PT-II PS- MERECHAR DIST- BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12.03.2024

Heard Mr. J. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam and Mr. G. Chamuah, learned counsel for the informant.

This is an application under Section 439 of the Cr.PC, 1973 for granting regular bail to the petitioner, i.e., Hasen Ali, who was arrested on 11.01.2024 in connection with Mererchar P.S. Case No. 03/2024 registered under Sections 326/307/302 of IPC.

The case of the prosecution is that one Mofidul Islam lodged an FIR alleging inter alia that the informant brought gravels-Send to build house on his land and raised a small hut to keep some persons for patrolling just to avoiding for stealing of those items. But on 10.01.2024 at about 3:30 AM, the accused person started beating on the wall of his house. After seeing that the informant called his parents and after reaching of his parents, the accused person attempted to attack his father and grounded him by pushing his ankle. Thereafter, the accused person attacked the informant with khukuri and he sustained cut injury on his left hand. Accordingly, a case was registered.

Mr. J. Ahmed, learned counsel for the petitioner submits that the allegations are completely baseless and that the informant has forcefully taken the petitioner to their house, to which effect a case being Mererchar P.S. Case No. 04/2024 registered under Sections 341/325/307/120(B)/354 (B) of IPC has been registered.

Mr. P. Borthakur, learned Addl. P.P on the other hand strongly opposes the prayer for bail.

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

It appears that the petitioner was arrested on 11.01.2024 and on the date

of arrest, the petitioner was interrogated. However, the petitioner has not been interrogated thereafter.

Considering the length of detention, this Court is of the considered view that further detention of the petitioner may not be justified.

Accordingly, the petitioner named above is allowed to go on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned SDJM (M), North Salmara, Abhayapuri, subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) 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
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

JUDGE

Comparing Assistant