

GAHC010040312024



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

Case No. : Bail Appln./560/2024

ABDUL SALAM
S/O ABDUL TOMSER, RESIDENT OF VILLAGE NEWAJESPUR, P.S.
SUKCHAR, DIST- SOUTH SALMARA MANKACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. RASHIDUL ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.03.2024

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Abdul Salam**, in connection with **Sukchar P.S. case No. 10/2024**, registered under Section **143/341/333/353/307/379/411**

IPC r/w Section 13(1)/16 of ACP Act, 2021.

The learned counsel for the petitioner submits that the petitioner has been languishing in jail since 04.02.2024. The allegation against the petitioner is totally false and fabricated and he has no nexus with the alleged offence and smuggling groups. The petitioner was not present at the time of incident. The learned counsel for the petitioner also pointed out the grounds of arrest wherein it disclosed that as the petitioner was previously involved in attacking police personnel and his involvement in connection with Sukchar P.S. C/No. 266/23, therefore, he was arrested in connection with this case. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State has produced the case diary along with injury report. He further submits that the injury sustained by the victim is simple in nature caused by blunt object. Therefore, on considering the length of detention, the petitioner may be enlarged on bail.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the background of the case as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Sukchar P.S. case No. 10/2024**, registered under Section **143/341/333/353/307/379/411 IPC r/w Section 13(1)/16 of ACP Act, 2021**, on furnishing bail bond of **Rs.20,000/- with a suitable surety** of

the like amount to the satisfaction of learned CJM, South Salmara, Mankachar, Assam.

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

- (a) shall not leave the territorial jurisdiction of learned CJM, South Salmara, Mankachar, Assam, without prior written permission from him/her;
- (b) 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.

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

Send back the case diary.

JUDGE

Comparing Assistant