

GAHC010043802024



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

Case No. : Bail Appln./621/2024

ROMESH ALI @ MD. ROMESH ALI
S/O- LATE ABDUL SAMED ALI, R/O- PACHIM BORAGAON, SEUJI NAGAR,
P.S. GORCHUK, DIST.- KAMRUP (M), ASSAM, PIN- 781035

VERSUS

THE STATE OF ASSAM,
REP. BY PP, ASSAM

Advocate for the Petitioner : MR M Z SHAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 15-03-2024

Heard Mr. M. Z. Shah, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Romesh Ali @ Md. Romesh Ali, who has been languishing in jail hajot, in connection with Gorchuk P.S. Case No. 54/2024, under Sections 387/34 IPC, for grant of bail.

It is to be noted here that the aforementioned case has been registered on

the basis of an FIR lodged by one Rashidul Islam on 11.02.2024. The essence of allegation made in the FIR dated 11.02.2024, is that one Akkash Ali and Romej Ali, who are President and Secretary of Pachim Boragaon Sauji Nagar Development Committee, respectively, had used to extort money from local people illegally and they had also subjected the persons to mental and physical torture, if they refused to pay the money. And on 28.01.2024, at about 8:30 p.m., both the accused persons, with some unknown persons, came to the residence of the informant and demanded a sum of Rs. 50,000/- from him and when he refused to make any payment, they had threatened him with dire consequences.

Learned counsel for the accused submitted that the accused was arrested on 12.2.2022 and since then he has been languishing in jail hajot for last 33 days. Further, Mr. Shah learned counsel for the accused submits that though the name of the accused finds mention in the FIR, yet, he along with other co-villagers have collected money for executing development works of the village, and that he is ready to cooperate with the investigating agency, and therefore, Mr. Shah contended to allow the petition

Whereas, Mr. Barua, learned Addl. P.P. submits that the investigation of the case has been progressed sufficiently. However, I.O. of the case collected some materials in support of the allegation made in the FIR.

Having heard the submission of learned Advocates of both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

In view of the materials collected so far in the case diary as well as the progress of investigation and also in view of the period of detention and

balancing the same with the nature and gravity of the offence, this Court is of the view that further custodial detention of the accused may not be warranted herein this case. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant