

GAHC010044282024



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

Case No. : Bail Appln./588/2024

NAUSAD ALI @ NAVED ALI
S/O LATE ASIR ALI
RESIDENT OF WARD NO. 6, MANGALDAI, PS MANGALDAI, DIST
DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01.03.2024

Heard Mr. G. Uddin, learned counsel for the accused and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused,

namely, Nausad Ali @ Naved Ali, who has been languishing in jail hazot in connection with Mangaldoi P.S. Case No. 30/2024, under Sections 379/411/34 IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Faruk Ahmed on 10.02.2024. The essence of allegation made in the aforesaid FIR is that on 10.02.2024, 5(five) persons, namely, Nagen Deka, Tridip Kalita, Dibyajyoti Baruah, Bhaskar Deka and Naved Ali have stolen mount of Jio Tower (MAOI6017) and while Nagen Deka, Tridip Kalita, Dibyajyoti Baruah and Bhaskar Deka were selling the same at Baba Trader & Copper, then they were caught red-handed.

4. Mr. Uddin, learned counsel for the accused submits that the accused was arrested on 11.02.2024, and since then, he has been languishing in jail hazot, and that he was not present at the relevant time at the place of occurrence and that he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency, and that the stolen articles have already been recovered and as such, custodial detention of the accused may not be required in the interest of investigation, and therefore, it is contended to allow this petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, referring to the materials collected so far in the case diary, submits that the accused is involved with the offence alleged in the FIR and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional Public Prosecutor.

7. It appears that the accused has been languishing in jail hazot since 11.02.2024 and the case diary indicates that some materials are collected by the I.O. in support of the allegation made in the FIR. But, it appears that the stolen articles have already been recovered and seized and the co-accused have also been arrested and enlarged on bail. In that view of the matter, custodial detention of the accused may not be required in the interest of investigation and therefore, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned CJM, Darrang, Mangaldoi, the accused be enlarged on bail.

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

10. Case diary be returned.

JUDGE

Comparing Assistant