

GAHC010046142024



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

Case No. : Bail Appln./642/2024

MUHAMMAD SARWAR @ SAHIL KHAN
S/O- LATE JANGUL, R/O- CHAPAGURI ROAD, W/O-8, NORTH
BONGAIGAON, P.S. BONGAIGAON, DIST.- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. P K GARODIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07-03-2024

Heard Mr. D. J. Haloi, learned counsel for the accused. Also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr. P. C. is preferred by accused, Muhammad Sarwar @ Sahil Khan, who has been languishing in jail hajot since 23.2.2024, in connection with Bongaigaon P.S. Case No. 59/2024, under

Sections 120 (B)/ 420/ 384 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by S.I Suresh Ghosh on 15.02.2024.

The essence of allegation, made in the FIR, dated 15.02.2024 is that one Ramjan Ali, Rafiqul Islam Khan, Isadikul Islam @ Laden, Rabiqul Islam and some other persons are involved in lending money and collecting interest at higher rate and subjected the general public to mental harassment and on 15.2.2024, at about 12-30 PM, they have conducted search in the office of Ramjan Ali and recovered some documents and seized the same preparing seizure list.

Mr. Haloi, learned counsel for the accused submit that the accused was arrested on 23.2.2024, and since then he has been languishing in jail hajat and his name finds no mention in the FIR dated 15.02.2024 and all the co accused have already been enlarged on bail by the learned Court below, yesterday, and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P. P. has produced the case diary before this Court and submits that the I.O. has collected one note book from the possession of the present accused where some noting has been found in respect of lending of money and therefore, Mr. Barua has opposed the petition

Having heard the submission of learned Advocates of both the parties, 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.

It appears that the name of the accused finds no mention in the FIR

dtd.15.02.2024, and he was arrested on 23.2.2024, and since then he has been languishing in jail hajot, and the co-accused, arrested herein this case, were already granted bail by the learned Court yesterday.

Also it appears that though some materials have been collected by the I.O. in the case diary, in support of the allegation made in the FIR, yet in view of the stage of investigation and also in view of the period of detention of the accused in jail hajot, his further custodial detention may not be warranted, in the interest of investigation and therefore, this Court is inclined to allow the petition. 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, Bongaigaon, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant