

GAHC010047382024



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

Case No. : Bail Appln./684/2024

AJMAT ALI
S/O MD. BANIJ ALI
R/O VILL- CHANPUR, P.O. BALIKURI GAON, P.S. KOLGACHIA, BARPETA,
ASSAM, PIN-781319.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

28.03.2024

Heard Mr. A. Talukdar, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, for the State respondents.

2. This is an application under Section 439 of Code of Criminal Procedure, 1973 for granting bail to the petitioner i.e. Ajmat Ali, who was arrested on

21.02.2024 in connection with Basistha Police Station Case No.109/2024 registered under Sections 120(B)/379/411 of IPC read with Sections 24/41 of the Assam Forest Regulation (Amendment) Act, 2018.

3. The case of the prosecution is that on 21.02.2024, an F.I.R was lodged alleging inter-alia that on 20.02.2024 on receipt of a secret information from reliable sources that a truck bearing registration No.AS 23-AC-0978 was carrying illegal timber from 10th Mile, a G.D. Entry was made vide Basistha PS GDE No.559 dated 20.02.2024 and the informant along with other police station staffs proceeded therein and thereafter checked the said truck and found that the timber has been carried without any supportive documents. Accordingly, a case was registered.

4. Mr. A. Talukdar, learned counsel for the petitioner submits that the petitioner is totally innocent and has no role to play. He further submits that the petitioner is ready and willing to co-operate with the investigation of the case. He further submits that there is no adverse material with regards the antecedents of the petitioner so far collected by the Investigating Officer.

5. Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondents on the other hand strongly opposes the prayer for bail.

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

7. It appears that the investigation has substantially progressed. It further appears that the petitioner has been languishing in jail since last 37 days. It also appears that he was last interrogated on 21.02.2021 i.e. the date of his arrest. Thereafter, he has not been interrogated.

8. Considering the length of detention, this Court is of the considered view

that further detention of the petitioner may not be justified for the ongoing investigation.

9. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case, on furnishing a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), 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) The petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

6. With the above observations and directions, the bail application stands disposed of.

JUDGE

Comparing Assistant