

GAHC010049242024



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

Case No. : Bail Appln./691/2024

BAHAR UDDIN
S/O ABDUL MANNAN
R/O VILL BAGHAN
P.O. KATHALTOLI,
P.S. BAZARICHERA,
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A T M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12.03.2024

Heard Mr. A.T.M. Hussain, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for release on regular bail of the accused petitioner, i.e. Bahar

Uddin, who was arrested on 06.01.2024, in connection with Bazaricherra P.S. Case No. 06/2024, registered under Section 147 /148 /149 /152 /341 /353 / 307 /332 /392 /436 /511 of the IPC.

The facts of the case is that on 05.01.2024, upon receiving an information that approximately 200 numbers of people has unlawfully assembled at Kathaltoli market. The informant, along with staff proceeded to the spot. After arriving at the spot around 10:15 AM, the informant asked the people, who were blocking the road to clear the road as the road is a busy road, but suddenly the FIR named accused persons, along with few others dragged the informant inside the mob with intentions to kill him.

It is further alleged that they also tried to tear his uniform and one accused person, i.e. Abdul Mannan snatched his name plate from his very uniform.

It is further alleged that with the help of the informant's staff somehow, he managed to escape from the mob and came to be Kathaltoli Watch Post.

Mr. A.T.M. Hussain, learned counsel for the petitioner submits that the petitioner is not named in the FIR. He further submits that the petitioner is not a member of the unlawfully assemble and he was merely standing in front of the barber shop situated in the market where, he had gone for a hair cut and on that basis, he was suspected to be a part of the unlawfully assemble.

He further submits that the petitioner has been languishing in jail since last 47 days.

Mr. D. Das, learned Additional Public Prosecutor, Assam, on the other hand, opposes the prayer for bail. He submits that there are photographs collected by the Investigating Officer, which indicates that the petitioner was present in the spot.

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

From the materials available on record, it appears that though the petitioner was present in the spot, however, there are no materials at this stage indicating that the petitioner had participated in the alleged incident.

Investigation appears to have progressed substantially. The statement of the petitioner has already been recorded.

Considering the length of detention, this court is of the considered view that further detention of the petitioner is not justified.

Accordingly it is, provided that the accused petitioner named above, shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj, subject to the conditions that:-

- (i) the accused petitioners shall co-operate in the investigation;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trial against them.
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant