

GAHC010053332024



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

Case No. : Bail Appln./756/2024

AMINUR ISLAM @ AMINUL ALI
SON OF NUR ISLAM, RESIDENT OF VILLAGE BHAGDAHAR, P.O. PADAMRI,
PS DHUBRI,
DIST DHUBRI, ASSAM, PIN 782124

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 15.03.2024

Heard Mr. M. Ali, learned counsel for the accused and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Aminur Islam @ Aminul Ali, who has been languishing in jail hazot in

connection with Jalukbari P.S. Case No. 70/2024, under Sections 454/380 of the 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 Majnur Ali on 17.02.2024. The essence of allegation made in the FIR dated 17.02.2024, is that on that day at about 7 a.m. in the morning, one Intaz Ali and Kalu entered into the house of the informant in order to commit theft and then, he along with the neighbours apprehended one of them and recovered one ceiling fan from his possession.

4. Mr. Ali, the learned counsel for the accused submits that the accused was arrested on 18.02.2024 and since then, he has been languishing in jail hazot for last 26 days, and that his name is not mentioned in the FIR and nothing has been recovered from his possession, and in fact, he is a ragman and at the time of arrest, he was roaming near the place of occurrence for his business purpose, and that he is ready cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor submits that at this stage, only the case diary may be called for.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears that the accused was arrested on 18.02.2024 and since then, he has been languishing in jail hazot for last 26 days. Further, it appears that his name finds no mention in the FIR and nothing has been recovered from his possession.

8. In view of the above, further custodial detention of the accused seems not to be warranted here in this case, 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 CJM, Kamrup(M), Guwahati, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant