

GAHC010058662024



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

Case No. : Bail Appln./787/2024

MD. SOFIQUL ISLAM
SON OF LATE AMAN ALI
R/O VILL- DOULOTPUR
P.S. BIHPURIA

DIST. LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. B CHOWDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

08.04.2024

Heard Mr. B. Chowdhury, learned counsel of the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor representing the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the accused/petitioner, namely, Md. Sofiqul Islam, who has been languishing in jail hazot since 14.02.2024 in connection with North Lakhimpur P.S. Case No. 29/2024 (corresponding to GR Case No.95/2024), registered under Sections 120B/341/406/420/392 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Chowdhury that the accused/petitioner is innocent and he is no way connected with the alleged offence as stated in the FIR. He also submits that there is no mention about the time and place of occurrence that when the alleged accused/petitioner along with his associate had snatched the mobile handsets and an amount of Rs.4(four) lakhs from one Mukesh Kumar, who hails from Madhya Pradesh. Thus, the statutory period of all the offences is of 60 days and further, it is seen that the accused/petitioner is behind the bar since 14.02.2024 and thus, he is in custody for last 54 days. Accordingly, considering the length of detention undergone by the accused/petitioner, he prays to enlarge the accused/petitioner on bail as the I.O. has got sufficient time for his custodial interrogation.

On the other hand, Mr. Borthakur, learned Public Prosecutor, has submitted

that there are sufficient incriminating materials against the accused/petitioner, who is a blacksmith by profession and used to prepare and sell fake gold items on demand and thus, he is associated with the entire criminal activities. More so, he is a habitual offender. However, there is no note from the IO whether the case will be charge-sheeted within the short period. Accordingly, he raised no objection in allowing the accused/petitioner to go on bail considering the length of detention already undergone by the accused/petitioner.

Considering the submissions of learned counsels for both sides, I have perused the case record which reveals that there are sufficient incriminating materials available against the accused/petitioner. However, there seems to have no probability to file the charge-sheet within the statutory period of 60 days and hence, without going on merit and only considering the length of detention undergone by the accused/petitioner i.e. 54 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, the accused/petitioner, namely, Sofiqul Islam, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (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) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant