

GAHC010055852024



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

**Case No. : Bail Appln./794/2024**

ASHISH HUSSAIN  
S/O ANOWAR HUSSAIN  
R/O GANDHIBASTI SABON FACTORY  
P.O. AND P.S. CHANDMARI,  
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. D P BORAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

O R D E R

05.04.2024.

Heard Mr. U. Ghosh, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam for the State.

2. This is an application under Section 439 of the Cr.P.C., seeking for granting regular bail to the petitioner, namely, Ashish Hussain who was arrested on

02.03.2024, in connection with the Chandmari P.S. Case No.42 of 2024, registered under Sections 120(B)/406/419/468/420 of the IPC.

3. The case of the petitioner is that an FIR was lodged on 19.02.2024 alleging *inter-alia* that two accused persons, namely, Sakir Ahmed and Ruhul Amin had convinced the informant to make a payment of Rs. 65,000/- for purchase of a TVS Scooty. It is further alleged that along with the aforesaid two accused persons there are more accused involved, out of which one of them is the petitioner.

4. Mr. U. Ghosh, learned counsel for the petitioner submits that the petitioner has been roped in unnecessarily. He further submits that the petitioner has no role to play in the offence alleged.

5. Mr. D. Das, learned Addl. P.P., Assam on the other hand strongly opposes the prayer for bail. He further submits that the investigation has substantially progressed and the statements of the witnesses have been recorded from where, it appears that the main accused persons involved in the offence alleged had engaged the accused/petitioner to collect customers for purchasing the TVS Scooty at a discounted price.

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 statements of the witnesses have been recorded under Section 161 of the CrPC. It further appears that the petitioner has already been interrogated last on 08.03.2024. Considering the same, this Court is of the considered view that further detention may not be justified for the ongoing investigation.

8. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of the learned CJM, Kamrup (M), at Guwahati.

9. The bail granted to the petitioner shall be subject to the following conditions-

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

10. With the above observation, this bail application stands allowed.

11. Send back the case diary forthwith.

JUDGE

**Comparing Assistant**