

GAHC010056022024



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

Case No. : Bail Appln./801/2024

NUR MOHAMMAD
S/O JURAN ALI
VILL- LEYABARI
P.S. DHUBAPARA
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.03.2024

Heard Mr. I.A. Hazarika, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner namely Nur Mohammad, who has been languishing in jail hazot in connection with Paltanbazar P.S. Case No.23/2024 under Sections 120B/328/379/507 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that he is innocent and his name is not mentioned in the First Information Report(FIR) and he is falsely implicated in this case.

It is also submitted by the learned counsel for the petitioner that he is in custody since 54 days and hence considering his period of detention, he may be released on bail.

In that context, Mr. P. Borthakur, learned Additional Public Prosecutor has submitted that sufficient incriminating matters are found in the case diary and he is the mastermind of the entire crime which is committed by the other co-accused.

However, learned Additional Public Prosecutor submits that considering the period of detention, his prayer for bail may be considered.

Heard the submission made by the learned counsel for both sides.

Without going by the merit of the case only considering the length of detention, I find further custodial detention is not necessary in this case and hence, I find it a fit case to grant the privilege of bail to the petitioner.

In view of the above, it is provided that the accused petitioner namely Nur Mohammad will be allowed to go on bail on furnishing a bail bond of Rs.20,000/- with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M) Guwahati subject to the following conditions:-

- i. 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
- ii. that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M) Guwahati, without prior permission.

Accordingly, the Bail Application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant