

GAHC010056092024



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

Case No. : Bail Appln./812/2024

RASHIDUL ISLAM
S/O MD. ASIN ALI
VILL- NO 2, ISLAMPUR, P.O. ISLAM GAON, P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : PP, ASSAM

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

04.04.2024

Heard Mr. P. J. Dutta, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot since 05.01.2024 in connection with Manja P. S. Case No. 01/2024 registered under Sections 120(B)/489(A)/489(B)/489(C)/34 of the Indian Penal Code.

The Case Diary called for, has not yet been received.

It is submitted by the learned counsel for the petitioner, Mr. Dutta that the accused/petitioner was arrested on 05.01.2024 and thus, he has completed his statutory period of 90 days and hence, considering his length of detention, he may be enlarged on bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor has submitted that an inquiry has been made, as to whether the case has been charge-sheeted by the IO, but, the charge-sheet has not been filed yet and there is no information as to whether the charge-sheet will be filed within short period. Accordingly, he submits that considering the length of detention already undergone by the accused/petitioner, he may be enlarged on bail.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him 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 two surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karbi Anglong, the accused/petitioner, namely Rashidul 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, Karbi Anglong, without prior permission.

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

JUDGE

Comparing Assistant