

GAHC010057242024



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

Case No. : Bail Appln./808/2024

SADDAM HUSSAIN
S/O SAMSER ALI
VILL- BALIKURI NC,
P.O. CHIKNI
P.S. KALGACHIA
DIST. BARPETA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. I A HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.04.2024

Heard Mr. H. Ali, 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, who has been arrested in connection with Jalukbari P.S. Case No. 117/2024, under Sections 120B/323/34/ 342/387/392/506 of the Indian Penal Code.

It is submitted by Mr. H. Ali, learned counsel for the petitioner, that the accused/petitioner is innocent and he is no way connected in the alleged incident. He is merely a tenant under one Mirajul Hussain and he is not aware about the incident which had happened as per F.I.R. More so, he is in custody for last 32 days and hence, considering his length of detention, he may be enlarged on bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioner, who along with 2 (two) other accused persons, were running the business of extortion. However, considering the length of detention, his prayer may be considered.

After hearing the submissions made by the learned counsels of 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 custody and accordingly, I find that further custodial interrogation of the accused/ petitioner is 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, Kamrup(M), the accused/petitioner, namely, Saddam Hussain, 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, Kamrup(M), without prior permission.

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

JUDGE

Comparing Assistant