

GAHC010059602024



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

Case No. : Bail Appln./841/2024

MD. ABDUL KALAM
S/O TOTA MIYA
R/O MAJORTOP
P.S. GORAIMARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.04.2024

Heard S.M. Abdullah P, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor appearing for the State respondent.

This is an application under Section 439 Cr.P.C. praying for bail by the accused petitioner namely Md Abdul Kalam in connection with Sualkuchi River P.S. Case No.12/2024 under Sections

419/448/395/506 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that the petitioner is a journalist by profession and he along with some others have visited the house of the informant as he was cultivating the marijuana plant illegally. But, with some false and concocted allegation, the present First Information Report(FIR) has been lodged against him. The petitioner is in custody since last 41 days, thus police got sufficient time to interrogate him keeping him in custody and hence further custodial interrogation may not be necessary for the interest of further investigation. However the accused petitioner will appear before the I/O as and when cooperation is required for further investigation of the case.

In this connection, learned Additional Public Prosecutor has submitted that the accused petitioner denied the allegation brought against him and nothing has been recovered by the police from his house. Further he has submitted that considering the length of detention, his bail may be considered.

Considering the submissions made by the learned counsel for both sides and other materials available in the case diary as well as the length of detention already undergone by the accused petitioner, I find that the I/O has got sufficient time to interrogate the accused in custody and therefore further custodial interrogation may not be necessary in this case and hence I find it a fit case to allow the petitioner named above to go on bail of Rs.20,000/- with one surety of the like amount to the satisfaction of learned JMFC, Hajo 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 JMFC, Hajo without prior permission.

With the above observation and direction, the bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant