

GAHC010071562024



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

Case No. : Bail Appln./999/2024

MD. AMBAS ALI AND ANR.
SON OF MD UMAR ALI, RESIDENT OF VILLAGE SONAPUR RESERVE
GAON, PS BIHPURIA, DISTRICT LAKHIMPUR ASSAM

2: MD. NURJAMAL
SON OF MD UMAR ALI
RESIDENT OF VILLAGE SONAPUR RESERVE GAON
PS BIHPURIA
DISTRICT LAKHIMPUR ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

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

08.04.2024

Heard Mr. B. Chowdhury, learned counsel of the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor representing the State respondent.

This application is filed under Section 439 of Code of Criminal Procedure, 1973 praying for releasing the petitioners on regular bail in connection with North Lakhimpur P.S. Case No. 29/2024 (corresponding to GR Case No.95/2024), registered under Sections 120B/341/406/420/392 of the Indian Penal Code, who has been languishing in jail since 22.03.2024.

It is submitted by the learned counsel for the petitioners, Mr. Chowdhury that the accused/petitioners are innocent and they are not at all alleged offence as stated in the FIR. He also submits that there is no mention about the time and place of occurrence that when the alleged accused/petitioners along with his associate had snatched the mobile handsets and an amount of Rs.4(four) lakhs from one Mukesh Kumar, who hails from Madhya Pradesh. He further submits that the accused/petitioners is behind the bar since 22.03.2024. Accordingly, it is submitted that the further custodial detention of the present accused/petitioners are not necessary and prayed to enlarge the accused/petitioners on bail.

On the other hand, Mr. Borthakur, learned Public Prosecutor, has submitted that there are sufficient incriminating materials against the accused/petitioners. Accordingly, he raised objection on the prayer made on behalf of the

accused/petitioner.

Considering the submissions of the learned Counsels for both sides and also considering the materials available in the case record as well as the nature of offence and the punishment prescribed for the same, I find that further custodial interrogation accused/applicant may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of bail can be extended to the accused/petitioner at this stage and accordingly, the same stands rejected.

In terms of above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant