

GAHC010074712024



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

Case No. : Bail Appln./1086/2024

MD. FAJLUR HOQUE
S/O LATE MOIJUDDIN MUNSHI
VILL- PAKHLIGURI
P.S. KRISHNAI
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.04.2024

Heard Mr. F. Haque, 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/petitioners, who have been arrested in connection with Dharamtul P.S. Case No. 08/2024, under Section 395 of the Indian Penal Code.

It is submitted by Mr. F. Haque, learned counsel for the petitioner, that the accused/petitioner is innocent and he is not involved in the hijacking of the truck or unloading of the theft articles. He has been arrested in connection with this case merely on the fact that he is the father of one of the co-accused Md. Jiarul Hoque @ Jia. He is a man of 63 years of age and he is no way connected in the alleged offence. Further, he was arrested on 01.03.2024 and since then, he is in custody and thus, the I.O. got sufficient time for his custodial interrogation. Accordingly, it is submitted that considering his length of detention, the accused/petitioner may be enlarged on bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that the present accused/petitioner is the father of one of the co-accused Md. Jiarul Hoque @ Jia, on whose residence the areca nuts were immediately unloaded after the trucks were being hijacked by some of the co-accused persons. However, apart from that, there is no material available in the Case Diary against the present accused/ petitioner showing his involvement in the alleged offence.

After hearing the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary, I find that further custodial interrogation of the accused/petitioner seems to be not necessary here in this case and accordingly, I find it a fit case to extend the privilege of bail to

the present accused/petitioner.

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, Morigaon, the accused/petitioner, namely, Md. Fajlur Hoque, 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, Morigaon, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant