

GAHC010074772024



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

Case No. : Bail Appln./1053/2024

SAFIQUL ISLAM
S/O SIDDIQUE ALI
R/O VILL- BHEHUGURI , P.S. MIKIRBHETA, IN THE DISTRICT OF
MORIGAON, ASSAM, PIN-782123

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 MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 09.04.2024

Heard Mr. J. Ali, learned counsel for the petitioner. Also heard Mr. D. Das learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This is an application under Section 439 Cr.P.C. for granting regular bail to the accused petitioner, namely, **Safiqul Islam**, who was arrested on 22.01.2024 in connection with **Mikirbheta P.S. Case No. 251/2023** under Sections **148/341/326/352/307** of the IPC.

The case of the prosecution, in brief, is that on 11.12.2023, an FIR was lodged by one Sajimuddin, alleging inter-alia that on 10.12.2023 at about 6.30 AM in the morning, the informant's father-in-law while going towards the market, the accused petitioner along with FIR named accused persons gave a blow to him with sharp weapon. As a result, the father-in-law of the informant sustained grievous injury on his head and started bleeding. It is the further case of the prosecution that when the brother-in-law of the informant came forward, the petitioner along with other co-accused also assaulted him with dagger.

Mr. J. Ali, learned counsel for the petitioner submits that the petitioner is totally innocent and is not involved in the offence alleged. He further submits that the petitioner belongs to a respective family and never indulged in any criminal activity whatsoever. He further submits that the petitioner is a teacher by profession and presently teaching in Singimari L.P. School.

On the other hand, Mr. D. Das, learned Addl. P.P., strongly opposes the prayer of bail. He submits that the investigation has substantially progressed and the statement of the witnesses has been recorded under Section 161 Cr.P.C. He further submits that the petitioner has already been interrogated.

I have heard the submissions made at the Bar and perused the case diary.

It appears from the case diary that the petitioner was last interrogated on 22.01.2024. It further appears that investigation has substantially progressed. It further appears that the accused has been languishing in jail since last 78 days.

Considering the facts and circumstances of the case and the nature of allegation and the length of detention, further detention of the petitioner may not be justified for the ongoing investigation.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail on furnishing bail bond of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Morigaon** under the condition that:-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused 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 Police Officer or the Court; and
- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is suspected of commission.

Return the case diary.

The bail application is disposed of.

JUDGE

Comparing Assistant