

GAHC010075312024



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

Case No. : Bail Appln./1070/2024

MAHIBAR RAHMAN AND 3 ORS.
S/O LATE MAJUL ALI
VILL- GOLDIGHOLA,P.S. MUKALMUA
DIST.NALBARI, ASSAM

2: RINKU ALI
S/O CHAND MOHAMMAD ALI @ SANDO
VILL- GOLDIGHOLA
P.S. MUKALMUA
DIST. NALBARI
ASSAM

3: RAMJAN ALI
S/O NUR KARIM ALI
VILL- GOLDIGHOLA
P.S. MUKALMUA
DIST. NALBARI
ASSAM

4: AJIJ ALI @ KOLU
S/O LATE MALIM ALI
VILL- ADHIARPARA
P.S. HAJO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.05.2024

Heard Mr N Uddin, learned counsel for the petitioners, 1) Mahibar Rahman, 2) Rinku Ali, 3) Ramjan Ali and 4) Ajij Ali @ Kolu.

2. The petitioners have filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as they are behind bars since 31.03.2024, in connection with Hajo PS Case No. 103/2024, registered under Section 399 IPC.

3. Heard Mr D Das, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that a tip-off was received by the informant about a gang of burglars, dacoits, who were roaming around Agyathuri, Pacharia, and Dadara area. During naka-checking, they were apprehended by the informant and his team. The miscreants were allegedly proceeding in one EON car bearing Registration No. AS-01/HC-2339, towards Chessa on Guwahati-Barpeta Road. They disobeyed the Police signal and proceeded towards Chessa. The Police team pursued them and intercepted the EON car at Singimari Chowk. One gang member, namely, Muktar Ali managed to flee. 4 (four) machete and 2 (two) strings of plastic ropes were recovered from the car.

5. It is submitted on behalf of the petitioners that the petitioners were apprehended on speculation, without any valid reason. Thereafter, they were forwarded to custody and since then, they have been languishing in the jail.
6. I have considered the submissions at the Bar with circumspection and I have also scrutinized the Case Diary,
7. The Case Diary reveals that investigation has progressed to a considerable extent.
8. It appears that further custodial detention may not be required for the progress of investigation.
9. The petitioners are local residents and they have pledged to cooperate with the investigation.
10. In view of my foregoing discussions, petition is allowed. The petitioners are enlarged on bail of Rs. 50,000/- each, with one surety of the like amount to the satisfaction of the learned JMFC, Hajo, under the condition that the petitioners shall refrain from such activities under which they are alleged, failing which, bail order shall stand cancelled.
11. With the above directions, this bail application stands disposed of.
12. Send back the Case Diary.

JUDGE

Comparing Assistant