

GAHC010075482024



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

**Case No. : Bail Appln./1090/2024**

MD. BAHARUL ISLAM @ AMBANI  
S/O LATE MANIRUDDIN, R/O VILL- SONAPUR RESERVE GAON, P.S.-  
BIHPURIA, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. B CHOWDHURY**

**Advocate for the Respondent : PP, ASSAM**

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

**ORDER**

**Date : 23.04.2024**

Heard Mr. B. Chowdhury, 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 for grant of bail to the accused/ petitioner, who has been arrested in connection with North Lakhimpur P.S. Case No. 29/2024 (Corresponding to GR Case No. 95/2024) under Sections 120-B/341/406/420/392 of the Indian Penal Code.

It is submitted by Mr. Chowdhury, learned counsel for the petitioner, that the accused/petitioner is innocent and nothing has been seized from his possession in connection with this case. The other co-accused persons are already been granted with the privilege of bail by this Court considering their period of detention and the bail application for the present accused may also be considered on the ground of parity as he is also arrested under the same forwarding report and he is behind the bar for last 33 days. Further he submitted that the accused/petitioner will extend his co-operation in the further investigation of this case if he is granted with the privilege of bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioner who is the mastermind of the entire crime. More so, the present accused/ petitioner is a habitual offender and as per the report of the I.O., one Lakhimpur P.S. Case No. 262/2022, under Sections 120(B)/121/121(A) of the Indian Penal Code *read with* Section 10/13/15(1)(A)/17/18/18(B) of UA(P) Act *read with* Section 66 F of IT Act is also pending against the present accused/petitioner along with Bihpuria P.S. Case No. 96/2023, under Sections 120(B)/406/420/489(A)/489(C)/489(D)/34 of the Indian Penal Code, and Bihpuria P.S. Case No. 40/2024, under Sections 120(B)/406/420/489(B)/489(C) of the Indian Penal Code. Accordingly, the learned Additional Public Prosecutor

submitted that the present accused/petitioner being a habitual offender, his further custodial interrogation may be necessary to unearth some facts of the case and accordingly he raised vehement objection in allowing the accused/petitioner to go on bail.

After hearing the submissions made by the learned counsels for both sides and also considering the incriminating materials against the present accused/petitioner, who is considered to be the mastermind of the entire crime as well as he being a habitual offender, I do not find it a fit case to allow the accused/petitioner to go on bail at this stage only on the ground of party as his further custodial interrogation may be necessary in the interest of the further investigation of the case as well as to unearth some more facts involved in this case. Resultantly, the present bail application stands rejected.

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

**JUDGE**

**Comparing Assistant**