

GAHC010075492024



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

Case No. : Bail Appln./1080/2024

MD. BAHARUL ISLAM @ AMBANI
SON OF LATE MANIRUDDIN RESIDENT OF VILLAGE SONAPUR RESERVE
GAON, PS BIHPURIA
DISTRICT- LAKHIMPUR ASSAM

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**

09.04.2024

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

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the accused/petitioner, namely, Md. Baharul Islam @ Ambani, who has been languishing in jail since 27.03.2024 in connection with Bihpuria P. S. Case No.40/2024 under Sections 120(B)/ 406/ 420/ 489-B/ 489-C of Indian Penal Code (Corresponding to GR Case No. 153/2024).

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Chowdhury that the accused/petitioner is innocent and he is not all involved in the alleged offence as stated in the FIR. He also submits that the accused/petitioner was earlier arrested on 22.03.2024 in connection with North Lakhimpur P.S. Case No.29/2024. He further submits that nothing has been recovered from the possession of the accused/petitioner nor he is a FIR named person, however, only on the basis of statement made by the other co-accused, he was arrested in connection with this case. Further, the accused/petitioner is still ready and willing to co-operate with the investigation of the case, if he is enlarged on bail.

On the other hand, Mr. Borthakur, learned Public Prosecutor, has submitted that though nothing has been recovered from the possession of the accused/petitioner but from the record it is seen that he was also arrested in connection with North Lakhimpur P. S. Case No.29/2024 and also from the statement made by the co-accused, he was found to be involved in the present case. Thus, he raised objection in allowing the accused/petitioner to go on bail.

Considering the submissions made by the learned counsels for both sides, I have perused the Case Diary which reveals that nothing has been recovered from the possession of the accused/petitioner. Further, it is seen that the accused/petitioner was earlier arrested in connection with North Lakhimpur P. S. Case No.29/2024 and he is shown arrest in present case and is in custody since 27.03.2024. Hence, considering the length of detention undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

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, Lakhimpur, North Lakhimpur, the accused/petitioner, namely, Md. Baharul Islam @ Ambani, 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, Lakhimpur, North Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant