

GAHC010075502024



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

Case No. : Bail Appln./1084/2024

MD. INAMUL ALI
SON OF SAHED ALI, RESIDENT OF VILLAGE CHABOTI, PO CHABOTI, PS
NORTH LAKHIMPUR 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 MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25.04.2024

Heard Mr. B. Chowdhury, learned counsel for the accused and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Md. Inamul Ali, who has been languishing in jail hazot in connection with North Lakhimpur P.S. Case No. 64/2024, under Sections

120B/406/420/468/387 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by SI Dipankar Changmai of Khelmati P.S. on 15.03.2024. The essence of allegation made in the FIR dated 15.03.2024, is that accused Dip Chetia, Inamul Ali, Nasiruddin Ahmed are involved in conspiracy of selling one Bolero Camper 4WD PS car in Dimapur and thereafter, lodged a false case at Bihpuria P.S. manufacturing some forged documents and Dip Chetia has received a sum of Rs. 50,000/- from Inamul Ali under threat.

4. Mr. Chowdhury, the learned counsel for the accused submits that the accused was arrested on 13.03.2024 in connection with North Lakhimpur P.S. Case No. 56/2024 and thereafter, he was shown arrested in the present case on 02.04.2024 and since then, he has been languishing in jail hazot. Mr. Chowdhury further submits that he was granted bail in the previous case i.e. North Lakhimpur P.S. Case No. 56/2024, vide order dated 03.04.2024 in Bail Appln. No. 866/2024, and another co-accused has already been enlarged on bail by this Court, vide order dated 24.04.2024 in Bail Appln. No. 1010/2024 in this case i.e. North Lakhimpur P.S. Case No. 64/2024, and that the accused will cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and that he is habituated to such kind offences and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and

also perused the case diary with the assistance of Mr. Sarma, learned Addl. Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the accused. Investigation of the case is still going on and the entire conspiracy is yet to unearthed. Moreover he is also habituated to such kind of offences and another case being North Lakhimpur P.S. Case No. 56/2024 is pending against him. It is a fact that one of the co-accused, namely, Dip Chetia has already been granted the privilege of bail, vide order dated 24.04.2024 in Bail Appln. No. 1010/2024, and it appears that sufficient materials were collected against him also and he was granted bail considering the medical ground i.e. the ailment of his wife who has been admitted at Sanjeevani Diagnostic and Hospital at Dibrugarh on account of serious ailment, and as such, the present accused is not in the same footing with the aforementioned accused.

8. Having considered above and further considering the stage of investigation as well as the materials collected so far in the case diary, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused at this stage and accordingly, this petition stands dismissed.

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

10. Case diary be returned.

JUDGE

Comparing Assistant