

GAHC010077002024



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

Case No. : Bail Appln./1111/2024

SARIFUDDIN AHMED
S/O LATE NASIRUDDIN AHMED
R/O ZOO ROAD TINIALI, BHASKAR NAGAR, BYE LANE NO. 2, H/NO. 40,
P.O. BAMUNIMAIDAN, P.S. GEETANAGAR, KAMRUP (METRO), ASSAM
PIN-781021

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 10.04.2024

Heard Mr. S. Dutta, learned Senior counsel, assisted by Mr. S. Dutta, learned counsel for the petitioner. Also heard Mr. D. Das learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This is a second application under Section 439 Cr.P.C. for granting regular bail to the accused petitioner, namely, **Shri Sarifudding Ahmed**, who was arrested on 08.03.2024 in connection with **Crime Branch P.S. Case No.**

03/2024 under Sections **120(B)/420/468/471/409/419** of the IPC.

Pertinent to mention that by order dated 03.04.2024, this Court had rejected the bail application of the petitioner.

Mr. S. Dutta, learned Senior counsel for the petitioner submits that there has been change of circumstances warranting the relief sought for in the bail application. He further submits that the petitioner, after falling down while he was in custody, has suffered serious injuries in his head for which proper treatment is required.

On the other hand, Mr. D. Das, learned Addl. P.P., strongly opposes the prayer of bail. He submits that the petitioner, after sustaining injuries, was admitted in GMCH, where he was treated and on 09.04.2024, he was released. He further submits that as per the release memo issued by the GMCH, no surgical operation is advised.

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 13.03.2024 and since thereafter he has not been interrogated. It further appears that the accused has been languishing in jail since last 32 days.

Upon perusal of the case diary, no adverse material as regards the antecedent of the petitioner is found. Undoubtedly the offence is grave. The object of the bail is not punishment but to secure the appearance of the petitioner at his trial by a reasonable amount of bail.

Considering the facts and circumstances of the case, this Court is of the considered view that 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. 50,000/-** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Kamrup (M)** 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