

GAHC010077072024



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

Case No. : Bail Appln./1115/2024

WAZED ALI @ ALOM
S/O SOPIAL HAQUE
R/O VILL- JHAWDANGA PART-III, ARATGAON,
P.O. JHAWDANGA
P.S. MANKACHAR, PIN-783131
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. S NAZNEEN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 10.04.2024

Heard Ms. S. Nazneen, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Mankachar P.S. Case No. 54/2024, under Sections 148/149/341/ 325/307/379/431 of the Indian Penal Code (corresponding to GR Case No. 113/24).

It is submitted by Ms. S. Nazneen, learned counsel for the petitioner, that the present accused/petitioner is innocent and in fact he was not present at the time of alleged incident. It is a fact that one road was constructed in the Patta land of the present petitioner and co-villagers and when they did not receive the compensation for the same, some co-villagers dug a canal over the road and for which there was a tussle between the parties and the victim sustained some injuries along with some other persons. Further she submitted that the present accused/ petitioner is behind the bar for last 46 days and hence, considering his length of detention, he may be allowed to go on bail. However, he is ready and willing to co-operate with the I.O. in the further investigation of the case if he is granted with the privilege of bail.

Mr. K. K. Parasar, learned Additional Public Prosecutor, has submitted that from the forwarding report itself, it is seen that the present accused/petitioner is the mastermind of the entire crime and hence, the Case Diary will only reveal the actual fact of the case.

After hearing the submissions made by the learned counsels for both sides and without going by the merit of the case and only considering the length of detention already undergone by the accused/petitioner, I find that 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, South Salmara, Mankachar, the accused/petitioner, namely, Wazed Ali @ Alom, 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, South Salmara, Mankachar, without prior permission.

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

JUDGE

Comparing Assistant