

GAHC010079562024



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

Case No. : Bail Appln./1135/2024

MD. AMBAS ALI AND ANR.
S/O MD. UMAR ALI
R/O VILL- SONAPUR RESERVE GAON
P.S. BIHPURIA,
DIST. LAKHIMPUR, ASSAM

2: MD.NURJAMAL
S/O MD. SAMAR ALI
R/O SONAPUR RESERVE GAON
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSA

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**

22.04.2024

Heard Mr. B. Chowdhury, learned counsel of the petitioners. 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/petitioners, namely, Md. Amba Ali and Md. Nurjamal, who has been languishing in jail since 22.03.2024 in connection with North Lakhimpur P.S. Case No. 29/2024 (corresponding to GR Case No.95/2024), under Sections 120B/341/406/420/392 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners, Mr. Chowdhury that the accused/petitioners are behind the bar since 22.03.2024 and thus, I.O. has got sufficient time for their custodial interrogation. More so, the present petitioners were arrested on the basis of the statement made by the co-accused person namely Babul Hussain and Baharul Islam who has been already released on bail. He also submits that the present petitioners are innocent and they are not at all involved in the alleged offence. Further, they are still ready and willing to appear before the IO as and when their cooperation is needed. Accordingly, considering the length of detention undergone by the accused/petitioner, he prays to enlarge the accused/petitioner on bail.

On the other hand, Mr. Borthakur, learned Public Prosecutor, has submitted that on the basis of some incriminating materials and statement made by the co-accused person they were arrested in connection with this case. However, he raised no objection in allowing the accused/petitioners to go on bail considering the length of detention already undergone by the accused/petitioners.

Considering the submissions of learned counsels for both sides as well as considering the length of detention undergone by the accused/petitioners i.e. 32 days, I am of the view that

the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners 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 each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, the accused/petitioners, namely, **Md. Ambas Ali** and **Md. Nurjamal**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners 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