

GAHC010079962024



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

Case No. : Bail Appln./1147/2024

HAFIZUR RAHMAN
S/O- EMAN ALI, RESIDENT OF VILL- PAHARPUR KATULI, P.S. BAGHBAR,
DISTRICT- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 29.04.2024

Heard Mr. A.K. Azad, 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, Hafizur Rahman, who has been languishing in jail hazot in connection with Geetanagar P.S. Case No. 87/2024, under Section 379 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 UBC Rintu Bora of Geetanagar P.S. on 31.03.2024. The essence of allegation made in the FIR dated 31.03.2024, is that on that day at around 8:40 p.m., while the informant was executing patrolling duty, along with his staff, he found one E-Rickshaw, bearing Registration No. AS-25-ER-6270, loaded with iron rods, standing in front of a scrap shop near Hatigarh Chariali, and one Rofikul Islam along with the driver of the E-Rickshaw were unloading the said iron rods from the E-Rickshaw and when asked, they failed to give proper reply in respect of the said iron rods.

4. Mr. Azad, the learned counsel for the accused submits that the accused was arrested on 01.04.2024 and since then, he has been languishing in jail hazot for last 29 days and that he is no way involved with the offence alleged in the FIR and in fact, in the seizure list which is annexed with the petition at page No. 20, the accused has been shown as witness, and that he 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 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. B. Sarma, learned Addl. Public Prosecutor.

7. It appears that the accused was arrested on 01.04.2024 and since then, he has been languishing in jail hazot for last 29 days. Further, it appears from the

case diary that though the I.O. has collected some incriminating materials against the accused, yet in view of the progress, achieved in the investigation of the case, further custodial detention of the accused seems to be not warranted here in this case, and therefore, this Court is inclined to allow the petition.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M), Guwahati, the accused be enlarged on bail.

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

10. Case diary be returned.

JUDGE

Comparing Assistant