

GAHC010084562024



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

Case No. : Bail Appln./1222/2024

MD. BABUL HOQUE @ BABU
S/O TOTA MIYA
VILL MAJORTOP, P.S. GOROIMARI
P.O. TUKRAPARA
DIST. KAMRUP, ASSAM
PIN-781137

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. S A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.05.2024

1. Heard Mr. D. J. Haloi, learned counsel for the petitioner, Mohammad Babul Hoque @ Babu.

2. This application has been filed under Section 439 of the Cr.PC with a prayer for bail as he is behind bars since 03.03.2024 in connection with Garoimari P.S. Case No. 21/2024 under Sections 143/341/326/307/379 IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam.

4. The FIR unfolds that on 27.02.2024, at about 6 p.m. when Habej Khan was returning home with an amount of Rs. 70000/-, the petitioner and his companions demanded money from him and when he refused to pay the money to the petitioner and his friends, they assaulted him and robbed him off his money.

5. I have scrutinized the Case Diary.

6. It is submitted by the learned Additional Public Prosecutor that the injuries are grievous in nature and indeed there are incriminating materials against the petitioner. However, the petitioner is behind bars for 89 days and charge sheet has not been submitted.

7. The petitioner has pledged to co-operate with the remaining part of the investigation. Considering all aspects and in view of my foregoing discussions, the petition is allowed.

8. The petitioner is enlarged on bail of Rs. 50000/- with a suitable surety of like amount to the satisfaction of the CJM, Kamrup, Amingaon under the condition that;

(i) The petitioner shall refrain from such activities with which he is alleged, and

(ii) the petitioner shall not leave jurisdiction of the Court without prior permission till completion of investigation.

(iii) On breach of any of the bail conditions, bail order shall stand cancelled.

9. Send back the Case Diary.

JUDGE

Comparing Assistant