

GAHC010086312024



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

Case No. : Bail Appln./1283/2024

MD. SHWAIJUDDIN ALI
S/O LATE CHO HARAB ALI
R/O KORAI BEEL, KORAI BARI, P.S. CHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M A ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 15.05.2024

Heard Mr. M. A. Islam, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is a second bail application under Section 439 of Cr.P.C for granting bail to the petitioner i.e. Md. Shwaijuddin Ali, who was arrested on 23.02.2024 in

connection with Merapani PS Case No. 4/2024 registered under Section 120(B)/409/420/468 IPC read with Section 66(D) IT Act.

Pertinent that by order dated 10.04.2024, this Court had earlier rejected the prayer for bail.

Mr. M. A. Islam, learned counsel for the petitioner submits that the petitioner has been languishing in the jail since last 82 days.

Mr. D. Das, learned Additional Public Prosecutor opposes the prayer for bail.

I have heard the submissions made at the bar and perused the material available on record.

It appears that the investigation has substantially progressed.

It further appears that the petitioner has been last interrogated on 22.02.2024.

It further appears that the petitioner has been languishing in the jail since last 82 days.

Considering the length of detention, this Court is of the considered view that further detention may not be justified for the ongoing investigation.

Considering the facts and circumstances of the case, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of the learned CJM, Golaghat.

The bail granted to the petitioner shall be subject to the following

conditions:

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any PoliceOfficer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

With the above observations and directions, this bail application stands disposed of.

JUDGE

Comparing Assistant