

GAHC010088022024



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

Case No. : Bail Appln./1264/2024

RAMEZ UDDIN
S/O JAMIR ALI
RESIDENT OF SATRAKHANARA, PO SATRAKHANARA, PS BAGHBAR, DIST
BARPETA, ASSAM 781308

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

09.05.2024

Heard Mr. R. Ali, learned counsel for the accused and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Ramez Uddin**, who has been languishing in

jail hazot since 26.02.2024, in connection with the **Jalukbari P.S. Case No. 127/2024**, under Sections 454/380 of the IPC, for granting bail.

3. It is to be noted here that the above mentioned case has been registered on the basis of one FIR lodged by one Pinku Paul, on 25.02.2024. The essence of allegations made in the said FIR is that on 24.02.2024, at about 16:30 hrs., she went to market and when she returned to home, she found her godrej broken and found the clothes scattered everywhere in the floor and also found the TV lying on the floor and the door of the house broken.

4. Mr. Ali, learned counsel for the accused submits that the accused was arrested on 26.02.2024, and since then he has been languishing in jail hazot for last 14 days. Mr. Ali further submits that the accused person was arrested only on the ground of suspicion and that he is innocent and no way involved with the offence alleged in the FIR. Mr. Ali also submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the materials so far collected in the case diary are inadequate to show the complicity of the accused with the offence alleged in the FIR.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 26.02.2024, and since then he has been languishing in jail hazot for last 14 days. Further, it appears that

the accused person was arrested only on the ground of suspicion and there are no materials in the case diary to show the complicity of the accused with the offence alleged in the FIR.

8. Having considered above and also considering the submissions of learned counsel for both the parties, this Court is of the view that further custodial detention of the accused is not warranted, in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused person be enlarged on bail.

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

11. The case diary be returned.

Comparing Assistant

JUDGE