

GAHC010088432024



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

Case No. : Bail Appln./1279/2024

SHAHANUR ISLAM
S/O MEHER ALI,
RESIDENT OF VILLAGE CHAKIRVHITA (CHAKIRBHITA) PS AND DIST
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 20.05.2024

Heard Mr. R. Ali, learned counsel appearing for the accused petitioner as well as Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.

By this second petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Shahanur Islam**, who was arrested on 24.11.2023, has prayed for grant of bail in connection with **Sessions Case No. 08/2024 (Barpeta P.S. Case No. 553/2023)** under Sections **341/326-A/307/302/201/34** of the IPC, pending before the Court of learned Addl. Sessions Judge (FTC), Barpeta.

Pertinent that this Court, vide order dated 30.01.2024, had rejected the earlier bail petition filed by the petitioner.

Mr. P. Borthakur, learned Addl. P.P., Assam, submits that the dying declaration available in the case diary indicates one Babu @ Rafijul Islam was responsible for the offence alleged.

Heard the parties and perused the materials available on record.

A perusal of the earlier order indicates that this Court, in view of the materials available on record, had rejected the earlier bail petition. However, after passing the aforesaid order, the learned Trial Court has examined 12 prosecution witnesses, out of which two of the eye witnesses, namely, Eniyara Khatun and Monalisha Parbin, have also been examined. Copies of the deposition of the two eye witnesses are also annexed in the bail petition. A perusal of the said two depositions indicates that the two eye witnesses have not implicated the petitioner in the offence alleged.

Considering the changed circumstances, more particularly the fact that the eye witnesses have not implicated the presence of the petitioner, this Court is of the view that further detention of the petitioner is not justified.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the **learned Addl. Sessions Judge (FTC), Barpeta** subject to the following conditions-

- i) That the accused petitioner shall continue to appear before the learned Trial Court on all dates to be fixed from time to time till the case is disposed of; and
- ii) That the accused petitioner 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 him from disclosing such facts to the Police Officer or the Court; and

- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is suspected of commission.

This disposes of the bail application.

JUDGE

Comparing Assistant