

GAHC010089342024



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

Case No. : Bail Appln./1318/2024

SOFIQUUL ALI
S/O LATE MUSTAKIN ALI
R/O VILL- NARAYANPUR RESERVE
P.O. NARAYANPUR
P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-06-2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner Md. Sofiquul Ali.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 as he is behind bars since 06.04.2024 in connection

with Mukalmua Police Station Case No. 62/2024 corresponding to G.R. Case No. 224/2024 under Sections 120(B)/302 of the Indian Penal Code, 1860.

3. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the respondent State.

4. Case Diary is received without the FSL report.

5. Seen the Post-Mortem report and the statements of the witnesses. Perused the Case Diary.

6. The learned Additional Public Prosecutor has raised objection stating that the FSL report and further investigation is necessary to consider the bail petition.

7. I have considered the submissions at the bar with circumspection.

8. Investigation has progressed to a considerable extent. The petitioner is a local resident and he has pledged to cooperate with the investigation. The learned counsel for the petitioner has submitted that the petitioner is behind bars only on suspicion, which has infringed into his fundamental rights.

9. I have considered the submission that the petitioner is a local resident and he is not a flight risk. Considering all aspects and in view of my foregoing discussions, petition is allowed.

10. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nalbari under the conditions that:

(i) *The petitioner shall not exercise threats to the witnesses.*

(ii) *The petitioner shall not leave the jurisdiction of the jurisdictional Court without permission.*

11. On breach of any of the bail conditions, bail order shall stand cancelled.
12. In the above terms this Bail Application stands disposed of.
13. Send back the Case Diary.

JUDGE

Comparing Assistant