

GAHC010089962024



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

Case No. : Bail Appln./1297/2024

RAFIK HUSSAIN
S/O MONOWAR HUSSAIN
VILL- HAJIRHAT
P.O. SUKCHAR, P.S. PHULBARI,
DIST. HATHSINGHIMARI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS A BEGUM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

15.05.2024

Heard Ms. A. Begum, 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, **Rafik Hussain**, who has been languishing in jail hazot, in connection with the **Hatigaon P.S. Case No. 24/2024**, under Sections 457/380 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Minakshi Sharma, on 18.02.2024. The essence of allegations made in the FIR is that on the night of 18.02.2024, some unknown miscreants have committed theft in her house, located at Neelachal Enclave A Block, Beltola Survey and stolen 3 pairs of gold bangle; 6 numbers of gold ring; 3 numbers of chain; 4 numbers of ear ring; various country's coins, old Indian note; and 10 – 12 paris of Patar cloths.

4. Ms. Begum, learned counsel for the accused submits that the accused was arrested on 27.04.2024, and since then he has been languishing in jail hazot for last 18 days and that nothing has been recovered from his possession and that he 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 I.O. has collected sufficient incriminating materials against the accused and therefore, it is contended to dismiss the petition.

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 27.04.2024, and since then he has been languishing in jail hazot for last 18 days. Further, it appears that the I.O. has collected some incriminating material in support of the allegation made in the FIR against the accused.

8. However, considering the period of detention and balancing the same with the offence alleged in the FIR and in view of the stage of investigation, this

Court is of the view that further custodial detention of the accused may not be 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 persons be enlarged on bail.

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

11. The case diary be returned.

Comparing Assistant

JUDGE