

GAHC010091132024



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

Case No. : Bail Appln./1332/2024

BURHAN UDDIN AND ANR
S/O LATE ABDUL JABBAR, R/O VILL- UJANDIHI, P.S. AND DIST-
KARIMGANJ

2: DULAL UDDIN
S/O LATE ABDUL JABBAR
R/O VILL- UJANDIHI
P.S. AND DIST-KARIMGANJ

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 17.05.2024

Heard Mr. S. Das, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who have been arrested in connection with Karimganj P.S. Case No. 182/2024, under Sections 188/353/ 332/333/323/325/354/427/379/307/34 of the Indian Penal Code.

Case Diary has not been received.

It is submitted Mr. S. Das, learned counsel for the petitioners, that the accused/petitioners are behind the bar for last 61 days and hence, considering their length of detention, they may be enlarged on bail. However, they are ready to extend their full co-operation with the I.O. in the further investigation of the case.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that this kind of offence is frequently going on in the society wherein some miscreants used to attack the police personnel in a pre-planned manner obstructing them from discharging their duties. However, he submitted that

considering their length of detention, the prayer of the present accused/petitioners may be considered.

After hearing the submissions made by the learned counsels for both sides and without going by the merit of the case and only considering the length of detention already undergone by the accused/petitioners, I find that further custodial interrogation of the accused/petitioners seems to be not necessary for the interest of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj, the accused/petitioners, namely, (i) Burhan Uddin & (ii) Dulal Uddin, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall fully co-operate with the I.O. and shall make themselves available for interrogation by the I.O. as and when required in connection with the aforesaid P.S. Case;
- (ii) that the petitioners 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 Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned

Chief Judicial Magistrate, Karimganj, without prior permission.

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

JUDGE

Comparing Assistant