

GAHC010091182024



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

Case No. : Bail Appln./1329/2024

SAHJAHAN ALI
S/O HASIM ALI
R/O VILL- JAIKUCHI P.S. BAIHATA CHARIALI, DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 31-05-2024

Heard Mr. M. Biswas, learned counsel for the petitioner.

2. The petitioner namely, Sahjahan Ali has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 24.04.2024 in connection with GHTY G.R.P.S. Case No. 95/2024 u/s 120(B)/342/386 IPC.

3. Heard Mr. B.B. Gogoi, learned Addl. PP., Assam.
4. The allegation against the petitioner is that the informant who was carrying silver metal worth Rs.30,000/- was waiting at a Kamakhya Railway Station on Platform No. 1 to board the train to the Kolkata, Howrah. The petitioner along with his companions, who were in Police Uniform and carrying arms, started frisking the informant. When the petitioner and the co-accused found the silver metal in the informant's waist belt they demanded Rs. 4 lacs. The informant then requested his friend Biki Tarafdar to provide him with Rs. 4 lacs which was sent through a person Bapan Barman. Bapan Barman handed over the money to one of the miscreants/accused named in the FIR.
5. It is submitted on behalf of the petitioner that the petitioner has not received the money.
6. The learned Addl. PP has raised serious objection stating that the petitioner has been identified by the informant through CCTV footage. There are incriminating materials in the Case diary against the petitioner.
7. I have scrutinized the Case Diary. There are indeed incriminating materials in the Case Diary against the petitioner. I have considered the submission on behalf of the petitioner that the petitioner is a local resident and he is willing to co-operate with the investigation. The Case Diary also reveals that the investigation has progressed to a considerable extent.
8. In view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of learned CJM, Kamrup (M) under the condition that the petitioner shall refrain from such activities with which he is alleged, failing which bail order shall stand cancelled.

9. In the above terms and observations, this Bail Application stands disposed of.
10. Send back the Case Diary.

JUDGE

Comparing Assistant