

GAHC010101372024



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

Case No. : Bail Appln./1461/2024

AZAHARUL ISLAM @ AJAHARUL ISLAM
S/O JALAL UDDIN,
RESIDENT OF MOHGHULI, BORGOLA, PS NORTH LAKHIMPUR, DIST
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 30.05.2024

Heard Mr. N. Hasan, learned counsel for the petitioner. Also heard Mr. D. Das, 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/petitioner, who has been arrested in connection with Bihpuria P.S. Case No. 48/2024 (corresponding to GR Case No. 175/2024) under Sections 120(B)/406/34 of the Indian Penal Code with added Section 489(B)/489(C) IPC.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted Mr. N. Hasan, learned counsel for the petitioner, that the accused/petitioner is innocent and nothing has been recovered from his possession. More so, he is behind the bar for last 47 days and hence, considering his length of detention, he may be enlarged on bail. However, he is ready to extend his full co-operation with the I.O. in the further investigation of the case.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that this is a subsequent bail application after the rejection of the earlier bail application and no new or urgent ground has been brought in the

present bail application and hence, raised objection in granting bail to the present accused/petitioner.

After hearing the submissions made by the learned counsels for both sides, it is seen that there is no probability of filing the Charge-Sheet within a short period by the I.O. as some other accused persons are yet to be booked in connection with this case and hence, 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, Lakhimpur, North Lakhimpur, the accused/ petitioner, namely, Azaharul Islam @ Ajaharul Islam, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the I.O. and shall make himself available for interrogation by the I.O. as and when required in connection with the aforesaid P.S. Case;
- (ii) that the 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 Court or to any police officer; and

- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant