

GAHC010103442024



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

Case No. : Bail Appln./1515/2024

SHAMIM AKRAM
S/O ALIM UDDIN
VILL- UDHAMTOLA
P.O. PATIA CHAPARI,
P.S. DHING,
DIST. NAGAON, ASSAM
PIN-782122

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.06.2024

Heard Mr. M. Alam, learned counsel for the petitioner. Also heard Mr. R. J. Boruah, 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, namely, Shamim Akram who has been arrested in connection with Dhing P.S. Case No.

48/2024, registered under Sections 120(B)/384 of the Indian Penal Code, *read with* Section 25(1A)/27(2) of the Arms Act.

CD is received, perused the same and heard both the sides.

It is submitted by the learned counsel for the petitioner, Mr. M. Alam, that the false and concocted case has been lodged against the present accused/petitioner along with some others. Further it is submitted that the informant side tried to disposes the petitioner and others from their own paddy field and for which there was a quarrel and one of the co-accused carrying a pistol in his hand and in that process one of the co-accused- Rahul Amin fired three shots from a pistol in the air to protect and save their live and in that process the present petitioner took the pistol and he was supposed to hand-over the same to the Police Station, when he got arrested in connection with this case. He further submitted that the accused is behind the bars since last 78 days and considering his length of detention also he may be released on bail.

On the other hand, the learned Additional Public Prosecutor, Mr. R. J. Boruah, has submitted that there is no direct evidence of any extortion against the present accused petitioner, however one pistol along with two live cartridge were seized from the possession of the accused petitioner and the FSL report is not yet received by the Investigating Officer. More so, he submitted that the other culprits are yet to be apprehended by police and thus he raised objection in allowing the accused petitioner to go on bail at this stage.

Considering the submissions of learned counsels for both sides, I have perused the Case Diary and it is seen that the accused is behind the bars for a considerable period and thus the Investigating Officer got sufficient time to interrogate the present accused/petitioner keeping him in custody. However,

there is no note from the Investigating Officer that the charge-sheet will be submitted within the stipulated period of time and hence without going by the merit of the case, I hereby allow the accused/petitioner to go on bail, considering the length of detention already undergone by the accused/petitioner.

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, Nagaon, the accused/petitioner, Shamim Akram be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (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, Nagaon, without prior permission.

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

JUDGE

Comparing Assistant