

GAHC010104342024



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

Case No. : Bail Appln./1501/2024

JAHIDUL ISLAM
S/O FARHAD ALOM
R/O VILL- ALOMGANJ
P.S. GOURIPUR
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 27-05-2024

Heard Mr. NJ Dutta, learned counsel for the applicant and Mr. K.K. Parashar, learned Addl. PP, Assam appearing for the state respondent.

This application under section 439 of the Code of Criminal

Procedure, 1973 is preferred by accused, namely, ***Jahidul Islam*** who was arrested on 29.04.2024 in connection with ***Hatigaon PS Case No.73/2024*** under section ***379 IPC***.

The petitioner was arrested on 29.04.2024 and he is behind the bars since then.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. Investigation is almost over and the accused has thoroughly been interrogated by the investigating agency. There is no legal evidence against the present applicant to connect him with the alleged offence. The learned Counsel further submits that the applicant is in custody since 29.04.2024 and the conclusion of trial will take sufficient time and he has already completed the default bail period. On the aforesaid grounds, prayer is made to release the applicant on bail.

The learned Addl. PP has also submitted that the applicant has been thoroughly interrogated by the police.

Considering the facts and circumstances of the case and the period of detention, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention of the applicant is required. Accordingly, the present application is allowed.

It is directed that the applicant, above named, in connection with the aforementioned case be released on bail on his furnishing a bond of Rs.50,000/- (Rupees fifty thousand only) with one solvent surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with the following conditions:

I. The applicant shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

II. The applicant shall not hamper with the investigation of the case and tamper with the evidence of the case;

III. The applicant 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 them from disclosing such facts to the court or to any police officer.

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

JUDGE

Comparing Assistant