

GAHC010106322024



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

Case No. : Bail Appln./1532/2024

MD. SANU ALI AND 2 ORS.
S/O ABDUL HAMID
VILL- RAJAKHAT
P.S. PATACHARKUCHI,
DIST. BAJALI, ASSAM

2: MD. HANNAN ALI
S/O MONSAR ALI
VILL- DOMANI
P.S. BARPETA ROAD

DIST. BARPETA
ASSAM

3: MD. MUKLESWAR MONDAL
S/O IBRAHIM MONDAL
VILL- DOMANI
P.S. BARPETA ROAD

DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

14.06.2024

Heard Mr. S. Borthakur, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the State respondent.

This is an application under Section 439 Cr.P.C. filed by the petitioners, namely, **1. Md. Sanu Ali, 2. Md. Hannan Ali and 3. Md. Mukleswar Mondal**, who were arrested on 12.05.2024 in connection with **Kachugaon Police Station Case No.07/2024** registered under Sections **392/419 IPC** (G.R. Case No.77/2024).

The allegation against the petitioners is that on the night of 11.05.2024, the petitioners entered into the informant's house and identified themselves as the persons belonging to Crime Branch and demanded money from the informant. When the informant refused to pay money, they ransacked the furniture in the informant's house and took away Rs.20,000/-. The petitioners were apprehended by local police, who were informed by the villagers about the incident, while they tried to escape.

It is submitted on behalf of the petitioners that the son-in-law of the informant, namely, Prahlad Barman borrowed an amount of Rs.25,00,000/- from the petitioner No.1 (Annexure-C series of the bail application is the deed of agreement along with the money receipt relating to transaction of money between the son-in-law of the informant and the petitioner No.1). When the petitioners asked to repay the money, the informant called them to his house and thereafter, he lodged this false case against the petitioners.

Learned Additional Public Prosecutor has produced the case diary.

I have scrutinized the case diary. The case diary reveals that investigation has progressed to a considerable extent. The merits of this case are not brought to the fore as this case is still under investigation. It appears that further custodial detention

of the petitioners may not be required for the progress of investigation.

Considering all aspects of the matter, the prayer for bail is allowed. The petitioners named above are enlarged on bail of Rs.30,000/- each with one surety each of the like amount to the satisfaction of the learned **Sub-Divisional Judicial Magistrate, Gossaingaon** subject to the following conditions:-

- i) that the petitioners shall cooperate with the investigation of the case;
- ii) that the petitioners shall not exercise threats to the witnesses; and
- iii) that the petitioners shall refrain from such activities of which they are alleged.

On breach of any of the above conditions, the bail order shall stand cancelled.

Bail application, accordingly, stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant