

GAHC010106332024



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

Case No. : Bail Appln./1528/2024

EAJUL HOQUE
S/O LATE ALIMUDDIN AHMED
R/O SATGAON BORDANGBORI
P.O. AND P.S. SATGAON
DIST. KAMRUP (M), ASSAM

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 MR. JUSTICE ROBIN PHUKAN

ORDER

31.05.2024

Heard Mr. S. Borthakur, learned counsel for the accused and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is

preferred by accused, namely, Eajul Hoque, who has been languishing in jail hazot since 04.05.2024, in connection with Satgaon P.S. Case No.20/2024, under Section 420/468/471/384/506/34 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Tamiz Uddin Ahmed, on 07.02.2024. The essence of allegation made in the aforesaid FIR is that one Ibrahim Ali, Yajul Hoque and Hafiz Ali have illegally occupied a plot of land measuring 10 lechas covered by Dag No.2157, Patta No.1236, situated at village Satgaon, Mouza-Beltola, Dispur Revenue Circle belonging to the informants, namely, Tamiz Uddin Ahmed and Riyaz Ali by obtaining forged land documents and they have also demanded money from the informant for vacating the occupied plot of land and also threatened them with dire consequences.

4. Mr. Borthakur, learned counsel for the accused, submits that the accused was arrested on 04.05.2024 and for last 28 days he has been languishing in jail hazot and that one of the co-accused has already been arrested and released on bail by the learned Additional Sessions Judge No.2, Kamrup(M), in Bail Application No.204/2024, vide order dated 30.03.2024 and that the accused is no way involved with the offence alleged in the FIR and in fact, it is the owner of the land, who has given two power of attorneys, one to the accused and the other to one Selim Ali and that the two power of attorneys create confusion and resulted in filing of the FIR and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and fairly submits that all the accused of this case have already been arrested and relevant documents have already been collected. However, Mr. Lahkar submits that the I.O. has collected some materials in support of the allegation made in the FIR against the present accused and therefore, Mr. Lahkar has opposed the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case

diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. The case diary indicates that all the accused persons here in this case have already been arrested and relevant documents have already been collected and seized by the I.O. Further, it appears from the page-64 of Annexure-G of the petition that one of the co-accused has already been enlarged on bail by the learned Additional Sessions Judge No.2, Kamrup(M), Guwahati and further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case. It also appears that the accused is languishing in jail hazot for last 28 days.

8. Under the above facts and circumstances, further custodial detention of the accused, in the interest of investigation seems to be not warranted here in this case and therefore, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Kamrup(M), the accused, namely, Eajul Hoque, be enlarged on bail. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant