

GAHC010107312024



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

Case No. : Bail Appln./1568/2024

MD JARIF ALI
S/O MAZIBUR RAHMAN, VILL- BHITORSUTI, P.S.-TEZPUR, DIST-
SONITPUR, ASSAM, PIN-784001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D K MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

31.05.2024

Heard Ms P Boruah, learned counsel for the petitioner, Md Jarif Ali.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as he is behind bars since 27.04.2024, in connection with Tezpur PS Case No. 214/2024, registered under Sections 353/307/34 of the Indian Penal Code, 1860.
3. Heard Ms A Begum, learned Additional Public Prosecutor for the State of Assam.

4. I have considered the submissions at the Bar with circumspection.
5. The allegation against the petitioner is that a naka checking was held on a tip-off received by the investigating team, when the petitioner who was a suspect, relating to the naka checking, with the allegation of carrying drugs was stopped. The petitioner tried to escape and with an intention to kill the informant, the petitioner fled past on his bike. The informant then sustained injuries on his waist as he was hit by the handle of the bike driven by the petitioner.
6. The learned Additional Public Prosecutor has raised objection.
7. I have considered the submission made on behalf of the petitioner that the petitioner has been behind bars since 34 days.
8. It appears that investigation may have progressed to some extent. The petitioner was immediately arrested on the day of the incident. The petitioner has pledged to co-operate with the remaining part of the investigation.
9. The petitioner being a local resident is not a flight risk.
9. Investigation may have presumably progressed to some extent.
10. In view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one surety of the like amount to the satisfaction of the learned CJM, Sonitpur, under the conditions that-
 - i) the petitioner shall refrain from such activities with which he is alleged, and

ii) the petitioner shall cooperate with the investigation.

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

12. Bail Application stands disposed of.

JUDGE

Comparing Assistant