

GAHC010108062024



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

Case No. : Bail Appln./1556/2024

MD. RAHIMUDDIN @ KISMAT ALI @ RAHIMUDDIN ALI,
S/O LATE SURUJ ALI,
RESIDENT OF VILLAGE NO. 3 CHIKONMATI PS DALGAON, DIST
DARRANG ,ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

19.06.2024

- 1.** Heard Mr. T.K. Bhuyan, learned counsel for the petitioner and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.
- 2.** This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Md. Rahimuddin@Kismat Ali @ Rahimuddin Ali, who has been detained behind the bars since 21.05.2024, in connection with Rowta P.S. Case No. 54/2024, under Section 120(B)/420/406/468 of the Indian Penal Code.

3. The gist of accusation in this case is that on 01.05.2024, one Sri Ramesh Deka had lodged an FIR before the Officer-In-Charge of Rowta Police Station, *inter alia*, alleging that the present petitioner took Rs. 5.50 Lakhs from the informant on the pretext of giving him a job, however, neither any job was offered to him nor the money was returned back.

4. Accordingly, on receipt of the said FIR, Rowta P.S. Case 54/2024 was registered.

5. Learned counsel for the petitioner has submitted that the FIR has been lodged by the informant Sri Ramesh Deka due to some misunderstanding and the matter has been amicably settled between the parties.

6. It is also submitted by the learned counsel for the petitioner that when this fact was informed to this Court, a co-ordinate bench of this Court, by order dated 13.06.2024, directed that an affidavit sworn by the informant, Ramesh Deka may be filed by the applicants.

7. Accordingly, the petitioner has filed an additional affidavit, wherein, the affidavit filed by the informant Ramesh Deka has been annexed, and it appears from perusal of the said affidavit that the petitioners had already paid half of the said amount to the informant and the informant does not have any objection if the petitioner is allowed to go on bail.

8. On the other hand, learned Additional Public Prosecutor, has produced the case diary of Rowta P.S. Case No. 54/2024 and has submitted that the Investigating Officer has recorded the statement of witnesses.

9. In view of the submissions made by the learned counsel for both the sides and in view of the affidavit submitted by the informant as well as the progress of the investigation made, this Court is of the considered opinion that further custodial detention of the above named petitioner may not be necessary for fair completion of the investigation of Rowta P.S. Case No. 54/2024.

10. In view of above, the above-named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Udalguri with conditions that:-

- (i) the petitioner shall co-operate in the investigation; and
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

11. With the above observations, this bail application is hereby disposed of.

12. Send back the case diary.

JUDGE

Comparing Assistant