

GAHC010108762024



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

Case No. : Bail Appln./1570/2024

SHAH ALOM @ SHAH ALOM MIAH
S/O SAHED ALI,
RESIDENT OF VILLAGE SATSIA, PS FAKIRGANJ, DIST DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR Z RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.05.2024

- 1.** Heard Mr. S. Prodhan, learned counsel for the petitioner, Shah Alom @ Shah Alom Miah.
- 2.** This application has been filed under Section 439 of the Cr.PC, with a

prayer for bail as he is behind bars since 09.04.2024 in connection with GR Case No. 351/2024 rising out of Goalpara P.S. case No. 43/2024 under Sections 328/379/411/34 IPC.

3. Ms. A. Begum, learned Additional Public Prosecutor, Assam.

4. I have considered the submissions made at the Bar with circumspection.

The FIR unfolds that on 06.04.2024 at about 11.45 p.m., Nur Salina Sheikh boarded a train at Guwahati for Silchar.

5. The petitioner who sat beside the lady offered a cup of tea to Nur Salina Sheikh at about 3.30 a.m. which was spiked with intoxicating substance. When the lady dozed off, the petitioner had removed gold bangles, gold earrings from the lady and also robbed a mobile phone (Oppo) and an amount of Rs. 8,500/- from the handbag of the lady and fled away.

6. On 07.04.2024, at about order, dated 11.05.2015, 30 p.m., the petitioner along with his friend was proceeding towards Balukdubi to sell the stolen articles when the VDP Secretary Golam Hussain interrogated them and finally stolen articles were recovered from them.

7. It is submitted on behalf of the petitioner that he has been languishing in the jail for 53 days.

8. I have considered the submissions on behalf of the petitioner that he will co-operate with the examining part of the investigation.

9. I have also considered the submissions of the petitioner that he is a local resident and he is not a flight risk.

10. The investigation may have presumably progressed to some extent. Considering all aspects and in view of my foregoing discussions, this petition is allowed.

11. The petitioner is enlarged on bail of Rs. 30000/- with a suitable surety of like amount to the satisfaction of the CJM, Golapara under the conditions that;

(i) The petitioner shall refrain from such activities with which he is alleged, and

(ii) the petitioner shall not leave jurisdiction of the Court without prior permission till completion of investigation.

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

12. This Bail Application stands disposed of.

JUDGE

Comparing Assistant