

GAHC010109612024



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

Case No. : Bail Appln./1594/2024

LUTFUR RAHMAN @ ROCKY ISLAM
S/O ABUL KALAM
R/O VILL- BHOKUWAMARI, KOYAKUCHI,
P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 15-07-2024

Heard Mr. N. Ahmed, learned counsel for the petitioner Lutfur Rahman @ Rocky Islam, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he is behind bars since 15.05.2024 in connection with Jalukbari Police Station Case No. 239/2024 under

Sections 120(B)/392/420/34 of the Indian Penal Code, 1860.

2. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he tried to switch ATM Card from the informant. When the informant raised alarm he tried to escape but was finally caught by the public.

4. The learned Additional Public Prosecutor has stated that there are incriminating materials in the Case Diary against the petitioner.

5. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. However, investigation has progressed to a considerable extent. I have considered the submission on behalf of the petitioner that he is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him. It appears that further custodial detention may not be required for the progress of investigation. I have also considered the submission on behalf of the petitioner that his wife is pregnant and today is her due date.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions:

- i) The petitioner shall refrain from such activities with which he is alleged.*
- ii) The petitioner shall cooperate with the investigation.*

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

8. In the above terms, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant