

GAHC010109872024



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

Case No. : Bail Appln./1598/2024

RAFIK ALI
S/O GOLAM RAHMAN
R/O VILL- KEHUTALI
P.S. DHULA
DIST. DARRANG, ASSAM
PIN-784190

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.06.2024

Heard Mr. A.K. Azad, 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, Rafik Ali, who has been languishing in jail hazot since 06.05.2024, in connection with Bhuragaon P.S. Case No.136/2023, under Section 420/406 IPC, read with Section 66(D) of the Information Technology Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Nashek Ali, on 16.12.2023. The essence of allegation made in the aforesaid FIR is that one Babar Ali has defrauded him to the tune of ₹ 35,000/- with a view to provide CSP agent of Bank of Baroda.

4. Mr. Lahkar, learned Additional P.P. submits that he has not received the case diary and prays for granting him some more time to produce the case diary before this Court. On the other hand, the record indicates that vide order dated 07.06.2024, last opportunity was afforded to the learned Additional P.P. to produce the case diary before this Court, but Mr. Lahkar has failed to produce the case diary before this Court and accordingly, in view of the order dated 07.06.2024, this Court is inclined to dispose of this application considering the materials placed on record.

5. Mr. Islam, learned counsel for the accused submits that considering the length of detention, the accused may be enlarged on bail.

6. It appears that the accused was arrested on 06.05.2024 and he is behind the bar for last 35 days.

7. Considering the submission of learned Advocates of both the parties and also considering the materials placed on record and specially considering the length of detention of the accused in jail hazot, his further detention seems to be not warranted here in this case and therefore, this Court is inclined to allow this petition. Accordingly, 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., Morigaon, the accused, namely, Rafik Ali, be enlarged on bail.

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

Sd/- Robin Phuikan
JUDGE

Comparing Assistant