

GAHC010110532024



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

Case No. : Bail Appln./1610/2024

MAHIBUR ISLAM PRAMANIK @ MAJIBUR ALI
S/O MAYDAN ALI PRAMANIK
VILL- KHARMUZA
P.S. GOALPARA
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-06-2024

Heard Mr. M. Haque, learned counsel for the petitioner Mahibur Islam Pramanik @ Majibur Ali.

2. The petitioner has filed this application under Section 439 of the Code of

Criminal Procedure, 1973 (CrPC for short) with a prayer for bail as he is behind bars since 20.05.2024 in connection with Bongaigaon GRPS Case No. 33/2024 under Sections 328/379/34 of the Indian Penal Code, 1860.

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

4. The allegation against the petitioner is that he and his companions administered biscuits mixed with intoxicating drugs to the complainant/passenger and robbed him of Rs.400/- (Rupees Four Hundred) and Rs.300/- (Rupees Three Hundred) from his friend along with 2 (Two) mobile phones and sim cards. An FIR was lodged and investigation commenced. During investigation, the petitioner was apprehended and forwarded to custody.

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

6. I have scrutinized the Case Diary.

7. Indeed there are incriminating materials in the Case Diary against the petitioner. Investigation has progressed to a considerable extent. The petitioner is willing to cooperate with the remaining part of investigation. The petitioner has pledged to abide by any stringent conditions if imposed upon him.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed.

9. The petitioner is 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 learned Eleka Magistrate under the conditions that:

(i) *The petitioner shall refrain from such activities with which he is alleged.*

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

10. On breach of any of the bail conditions, bail order shall stand cancelled.
11. In the above terms this Bail Application stands disposed of.
12. Send back the Case Diary.

JUDGE

Comparing Assistant