

GAHC010113682024



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

Case No. : Bail Appln./1651/2024

REJIMUDDIN AHMED @ MD. RUJUDIIN AHMED @ RAJU
S/O LATE BAHAR ALI, VILL- PUB SAHAN, P.S.-RANGIA, DIST- KAMRUP,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.06.2024

1. Heard learned counsel Mr. N. Uddin for the petitioner Rejuddin Ahmed @ Rujuddin Ahmed.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 29.05.2024 in connection

with Nalbari P.S. Case No. 45/2024 under Section 392/34 and 395 of the IPC.

3. Heard Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised serious objection stating that this is a Sessions Triable Case and there are incriminating materials in the Case Diary against the petitioner. It is further submitted that if the petitioner is at large, investigation may be adversely affected.

5. The FIR unfolds that on 07.02.2024, at about 8.20 p.m., the informant along with three other persons were proceeding from Budhbariya Bazaar under Mukalmuwa after selling their cattle. At that time, the petitioner along with his companions way laid him and his friends and assaulted the informant, his brother and two other persons and snatched away Rs. 9 lacs.

6. It is submitted by the learned Additional Public Prosecutor that the informant is the owner of the vehicle which was used in the dacoity and the informant is complicit.

7. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. The petitioner has been behind bars since 29.05.2024.

8. Investigation has progressed to a considerable extent. The petitioner has pledged to co-operate with the remaining part of the investigation and to abide by any stringent bail conditions.

9. It appears that further custodial detention may not be required for progress of investigation.

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

allowed. The petitioner is enlarged on bail of Rs 50,000/-, with a suitable surety of like amount to the satisfaction of the learned CJM, Nalbari under the conditions that;

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall not influence the witnesses or tamper with the evidence,
- (iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

Send back the Case Diary.

JUDGE

Comparing Assistant