

GAHC010115942024



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

Case No. : Bail Appln./1686/2024

BAHARUL ISLAM @ AMBANI
S/O LATE MANIRUDDIN
R/O SONAPUR RESERVE GAON
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22.07.2024

Heard Ms. G. Baruah, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

The case diary as called for is received and perused.

Heard both sides.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Baharul Islam @ Ambani**, praying for regular bail, who was arrested on 28.05.2024 in connection with Laluk P.S. Case No. 74/2024 (Corresponding to G.R. Case No. 354/2024) under Sections 406/ 420/ 34 IPC.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he has not involved with the alleged offences. She further submits that petitioner has been detained in custody since 28.05.2024 and since then he has been in judicial custody for last 55 days and hence considering the length of detention, the petitioner may be released on bail. The learned counsel for the petitioner further submits that the Investigating Officer has got ample opportunity to interrogate the petitioner keeping him in custody and therefore, further custodial detention may not be required in this case. However, the petitioner is ready and willing to cooperate with the investigation and trial, if he is enlarged on regular bail.

In this context, the learned Additional Public Prosecutor has submitted that the petitioner is a habitual offender and he is shown arrested in the present case and there are sufficient incriminating materials against the present petitioner collected by the I.O. However, there is no note from the I.O. that the charge sheet will be submitted within the statutory period. However, he raised objection for granting bail to the accused petitioner.

So, considering the submission of the learned counsel for both the parties and on perusal of the materials available in the case diary, it is seen that there is no note from the I.O. that C.S. will be submitted within 4/5 days. In view of the above and only considering the period of detention, prayer for bail is considered.

Accordingly, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Lakhimpur, North Lakhimpur in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned CJM, Lakhimpur, North Lakhimpur, without prior written permission from him/ her;

- (b) shall not hamper in the investigation of the case and tamper with the evidence of the case; and
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant