

GAHC010119782024



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

Case No. : Bail Appln./1719/2024

JAHIDUL ISLAM
S/O TAHER MIAH,
RESIDENT OF VILLAGE GANAKPARA, PS TARABARI, DIST BARPETA,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR T T MONI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

24.06.2024

- 1.** Heard Mr. A.M. Khan, learned counsel for the petitioner and also heard Ms. N. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.
- 2.** This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Jahidul Islam, who has been detained behind the bars since 14.05.2024(for last 41 days), in connection with Krishnai P.S. Case No. 38/2024, under Section 420/468/379/34 of the Indian Penal Code.

3. The gist of accusation in this case is that on 13.05.2024, one Sri Gopal Chandra Kalita, Assistant Engineer PWRD, Goalpara, West & Dudhnoi, Lakhipur, had lodged an FIR before the Officer-In-Charge of Krishnai Police Station, *inter alia*, alleging that one ANPL construction company had, without any valid documents and took permission, taken away 80 % materials of the Krishnai steel bridge, situated at Krishnai.

4. A departmental enquiry was also conducted in this regard and during the enquiry, the documents which were produced were not found to be authentic.

5. On receipt of the said FIR, Krishnai P.S. Case No. 38/2024 was registered.

6. Mr. A.M. Khan, learned counsel for the petitioner has submitted that petitioner is only a labour of the said company and he is not aware about the allegations levelled in the FIR.

7. It is also submitted by the learned counsel for the petitioner that the petitioner has already been detained behind the bars for last 41 days and considering the long period of detention of the petitioner, he may be allowed to go on bail.

8. On the other hand, Ms. N. Das, learned Additional Public Prosecutor, has produced the case diary of Krishnai P.S. Case No. 38/2024 and has submitted that there are materials against the present petitioner in the case diary, as he was the driver of the cram by help of which the Krishnai Steel winth

was dismentured. She has opposed the prayer for bail of the present petitioner.

9. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record, including the case diary of Krishnai P.S. Case No. 38/2024. Apparently, in the FIR, the allegation is against the company, i.e. AMPL Construction Company of which the present petitioner appears to be only an employee.

10. Be that as it may, from the perusal of the case diary, it appears that the investigation has fairly progressed and also considering the fact that the petitioner has already been detained behind the bars for last 41 days, his further custodial detention may not be necessary, if he co-operates in the investigation.

11. In view of above, the above-named petitioner, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Goalpara with conditions that:-

- (i) the petitioner shall co-operate in the investigation; and
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

12. With the above observations, this bail application is hereby disposed of.

13. Send back the case diary.

JUDGE

Comparing Assistant