

GAHC010119952024



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

Case No. : Bail Appln./1827/2024

MD. CHAND MIYA AND ANR
S/O LT. KUDDUS ALI
R/O MANIPUR TUP
P.S. RAHA
DIST. NAGAON, ASSAM

2: MD. ASADULLAH
S/O LT. ABDUL MATLIB
R/O VILL-BHAKAT GAON
P.S. RAHA
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

18.07.2024

Heard Md. B. Islam, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who are languishing in jail hazot since 24.05.2024 in connection with Tezpur P.S. Case No.291/2024 registered under Sections 457/380 of IPC.

The learned counsel for the petitioner, Mr. Islam, submits that the present petitioners did not commit the theft alleged in the FIR. It is claimed that some of the stolen articles were recovered from Naina Store, Simaluguri, Haiborgaon, Nagaon. On 24.05.2024, police personnel contacted petitioner No.1 via mobile phone and subsequently arrested them when they arrived at Raha. Since then, they have been in custody for the past 56 days, during which the investigating officer had ample opportunity to interrogate them. Mr. Islam, counsel for the petitioners, therefore requests the release of the accused/petitioners on bail.

In this context, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that the stolen items from Naina Store, along with a loaded truck, were recovered. He further submits that there are sufficient evidences implicating the accused/petitioners in the alleged offence. Mr. Borthakur, learned Additional Public Prosecutor also submits that the other culprits are yet to be apprehended in connection with this case. However, considering the length of

detention already undergone by the accused/petitioner, he raised no objection on the prayer made by the learned counsel for the petitioners.

Considering the submissions of learned counsel for both sides, and without going into the merits of the case, and taking into account the 55 days of detention already undergone by the accused/petitioners, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sonitpur, Tezpur the accused/petitioners, namely, **1. Md. Chand Miya** and **2. Md. Asadullah**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Sonitpur, Tezpur without prior permission.

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

JUDGE

Comparing Assistant