

GAHC010122712024



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

Case No. : Bail Appln./1770/2024

SALIM ALI
S/O LATE MANIK ALI
PERMANENT RESIDENT OF-
NOWAPARA, RADHA NAGAR,
HOUSE NO. 10,
P.S. SATGAON,
GUWAHATI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z KAMAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

19.06.2024

Heard Mr. Z. Kamar, learned Senior counsel assisted by Mr. Z. Hussain, learned counsel for the accused and also heard Mr. P.S. Lahkar, learned Additional Public

Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Salim Ali, who has been languishing in jail hazot since 28.05.2024, in connection with Satgaon P.S. Case No.20/2024, under Section 420/468/471/384/506/34 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Tamiz Uddin Ahmed, on 07.02.2024. The essence of allegation made in the aforesaid FIR is that one Ibrahim Ali, Yajul Hoque and Hafiz Ali have illegally occupied a plot of land measuring 10 lechas covered by Dag No.2157, Patta No.1236, situated at village Satgaon, Mouza-Beltola, Dispur Revenue Circle belonging to the informants, namely, Tamiz Uddin Ahmed and Riyaz Ali by obtaining forged land documents and they have also demanded money from the informant for vacating the occupied plot of land and also threatened them with dire consequences.

4. Mr. Kamar, learned Senior counsel for the accused, submits that the accused was arrested on 28.05.2024 and since then he has been languishing in jail hazot for last 23 days. Further, taking this Court through the FIR, Mr. Kamar submits that no action is attributed to the present accused and that he is one of the power of attorney holders from whom the two informants had purchased the plot of land. Mr. Kamar further submits that two of the prime accused, namely, Eajul Hoque and Hafij Ali have already been granted bail by this Court vide orders dated 31.05.2024 and 03.06.2024, in Bail Appln. Nos.1528/2024 and 1586/2024, respectively, and that the present accused also entitled to same privilege as the ground of parity and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has opposed the petition on the ground that the accused has not produced the original documents to the I.O. during investigation as per the forwarding report to the I.O. and

that the offences are serious in nature and therefore, Mr. Lahkar has opposed the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the orders dated 31.05.2024 and 03.06.2024, in Bail Appln. Nos.1528/2024 and 1586/2024, respectively.

7. It appears that the accused was arrested on 28.05.2024 and since then he has been languishing in jail hazot for last 23 days. And perusal of the orders dated 31.05.2024 and 03.06.2024 in Bail Appln. Nos.1528/2024 and 1586/2024, respectively, indicate that the I.O. has achieved substantial progress in the investigation of this case.

8. Having considered above and also maintaining parity with the accused in Bail Appln. Nos.1528/2024 and 1586/2024, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Kamrup(M), the accused, namely, Salim Ali, be enlarged on bail.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant