

GAHC010122972024



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

Case No. : Bail Appln./1775/2024

KALAM SHEIKH
S/O ALI AZGOR
RESIDENT OF SRIGRAM PART 6, PO HATIPOA, PS CHAPOR, DIST DHUBRI,
ASSAM 783371
PRESENTLY RESIDING AT HOUSE NO. 1, PUBERUN PATH, BAGHORBORI,
PO PANJABARI, PS SATGAON, DIST KAMRUP M ASSAM 781037

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MS P DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.06.2024

1. Heard learned counsel Mr. S. N. Tamuli for the petitioner, Kalam Sheikh.
2. This application has been filed under Section 439 of the Cr.PC with prayer for

bail as he is behind bars since 11.06.2024 in connection with Jalukbari P.S. Case No. 285/2024 under Sections 120(B)/392/34 of the IPC.

3. Heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on 10.06.2024, at about 10:10 a.m., the informant along with his wife and sister were proceeding from Dhupdhara in a city bus towards Machkhowa. At that time, three miscreants boarded a bus and one of them pretended to vomit and then there was a chaos. The informant found Rs. 35,000/- missing from his pocket. Meanwhile, three miscreants escaped from the bus. The petitioner was arrested in connection with this case.

5. It is submitted on behalf of the petitioner that there is no direct allegation against the petitioner. He was thus arrested on suspicion.

6. I have considered the submissions at the Bar with circumspection.

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

8. Investigation has progressed to a considerable extent.

9. In view of my foregoing discussions, petition is allowed.

10. The petitioner is enlarged on bail of Rs. 30,000/- (Rs. Thirty Thousand) with a suitable surety of like amount to the satisfaction of the Elaka Magistrate under the condition that;

(i) The petitioner shall refrain from such activities with which he is alleged,

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

11. Send back the Case Diary.

JUDGE

Comparing Assistant