

GAHC010123702024



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

Case No. : Bail Appln./1790/2024

MD. AMSAR ALI @ AMSOR
S/O AJIMUDDIN
R/O VILL- NO. 2 KEHUTOLI
P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28.06.2024

Heard Mr. P. Hazarika, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Amsar Ali @ Amsor , who has been detained behind the bars since 20.05.2024 (for last 40 days) in connection with Laluk P.S. Case

No. 73/2024 under Sections 457/ 380 of the Indian Penal Code.

The gist of accusation against the present petitioner in this case is that on 17.05.2024, one Sri Ratneswar Gogoi lodged an FIR before the Officer-in-Charge of Laluk Police Station *inter-alia*, alleging that in the night of 16.05.2024 some unknown person entered into his house and had taken away some gold ornaments and a case was registered against the present petitioner.

The learned counsel for the petitioner has submitted that the petitioner is in no way involved with the offence alleged in the FIR and he has been arrested only because a gold chain was recovered from his possession but the said gold chain is not the stolen property and the same does not tally with the stolen articles. On the other hand, learned Public Prosecutor has produced the case diary of Lakuk P.S. Case No. 73/2024 and has submitted that one gold chain has been recovered from the possession of the petitioner.

I have considered the submissions made by learned counsel for both the sides and perused the materials available on record including the case diary of Laluk P.S. Case No. 73/2024. It appears that the gold chain was recovered from the possession of the petitioner which does not tally with the stolen articles.

Considering the facts and circumstances of this case and also considering the fact that investigation of this case has fairly progressed, this court is of the view that further custodial detention of the petitioner does not appear to be necessary for fair completion of the investigation of Laluk P.S. Case No. 73/2024.

Hence, the above named petitioner Md. Amsar Ali @ Amsor is allowed to go on bail of Rs. 30,000/ (Rupees thirty thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur with the following conditions:

- (i) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such

facts of the case before the Investigating Officer.

(ii) That the petitioner shall co-operate in the investigation.

This bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant