

GAHC010125092024



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

Case No. : Bail Appln./1814/2024

RABIUL HUSSAIN
S/O SONA MIYA
R/O SATRAKONARA
P.S. BAGHBAR
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

17.07.2024

1. Heard learned counsel Mr. S. Munir for the petitioner Rabiul Hussain.
2. This application has been filed by the petitioner under Section 439 of the

Cr.PC with prayer for bail as he is behind bars since 05.06.2024 in connection with Gorchuk P.S. Case No. 169/2024 under Sections 120(B)/364(A)/392 of the IPC.

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

4. The allegation against the petitioner is that he was involved in kidnapping the informant's elder brother Habibar Rahman for a ransom of Rs. 3 lacs.

5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.

6. I have perused the Case Diary. Indeed, there are incriminating materials in the Case Diary against the petitioner.

7. Investigation has progressed to a considerable extent.

8. The petitioner has pledged to co-operate with the remaining part of the investigation, the petitioner is a local resident and not a flight risk. The petitioner has also pledged to abide by any stringent bail conditions if imposed upon him.

9. Considering all aspects and in view of my foregoing discussions, the petitioner is enlarged on bail of Rs 50,000/- (Rupees fifty thousand), with a suitable surety of like amount to the satisfaction of Elaka Magistrate, under the conditions that:

(i) the petitioner shall refrain from such activities with

which he is alleged,

(ii) the petitioner shall not exercise threats to the witnesses or temper with the evidence, and

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

11. Send back the Case Diary.

JUDGE

Comparing Assistant