

GAHC010125752024



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

Case No. : Bail Appln./1830/2024

SHAHIDUL ISLAM
S/O SAHID ALI
R/O KAHILIPARA,
HOUSE NO. 18, 4TH APBN,
NEAR KRISHNANAGAR MASJID
P.S. DISPUR
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R CHETRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.07.2024

- 1.** Heard Mr. R. Chetri, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Mr. Shahidul Islam who has been detained behind the bars since 03.06.2024 (for the last 45 days) in connection with Basistha P. S. Case No. 352/2024 under Section 420/408 of the Indian Penal Code.

3. The gist of accusation in this case is that on 20.05.2024, one Pradeep Sinha of Instakart Services Private Limited had lodged an FIR before the Officer-in-Charge of Basistha Police Station, inter alia, alleging that one Shahidul Islam, the delivery executive of the Instakart Services Limited was involved in misappropriation of shipment received through Flipkart.

4. The learned counsel for the petitioner has submitted that the allegations made by the informant against the petitioner in the FIR is not true, and he is in no way involved in this case.

5. It is also submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars for last 45 days, and in the meanwhile, one of the co-accused, namely, Dipangkar Das, has already been granted bail by this Court in Bail Application No. 1751/2024, by order dated 26.06.2024. He therefore, submits that, in view of the same, the petitioner may be allowed to go on bail, as his further custodial detention may not be necessary.

6. On the other hand, learned Additional Public Prosecutor has produced the case diary of Basistha P. S. Case No. 352/2024, and has submitted that there are sufficient incriminating materials against the petitioner in the case.

7. I have considered the submissions made by the learned counsel for

both the sides, and have perused the materials available on record, including the case diary of Basistha P. S. Case No. 352/2024.

8. Though, there are incriminating materials in the case diary, however, considering the fact that in the meanwhile, one of the co-accused has already been granted bail, and also considering the fact that the petitioner has been detained behind the bars for the last 45 days, his custodial detention may not be necessary for fair completion of the investigation in Basistha P. S. Case No. 352/2024.

9. In view of above, the above-named petitioner is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) Guwahati subject to the following conditions:

- i.** That the petitioner shall co-operate in the investigation.
- ii.** 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.

10. With above observation of this bail application is hereby disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant