

GAHC010126882024



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

Case No. : Bail Appln./1865/2024

MD. ANUWAR HUSSAIN
S/O NUR JAMAN
R/O VILL- JAHAJAN
P.S. JURIYA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MS. G BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06-08-2024

Heard Ms. G. Borah, learned counsel for the petitioner Md. Anuwar Hussain, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he is behind bars since 01.06.2024 in connection with Boko Police Station Case No. 190/2024 under

Sections 341/394/506 of the Indian Penal Code, 1860

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has submitted that the petitioner was behind bars in connection with another case when the present FIR was registered earlier.

3. Learned counsel for the petitioner has submitted that as the petitioner was behind bars at the time of the incident, it was not possible that he was involved in a dacoity with a gang, who also has antecedents of committing dacoity. The petitioner was shown as arrested as he was suspected to be a member of a gang with antecedents of committing dacoity on the Highway.

4. The allegation that the petitioner is involved in committing dacoity of 320 kg of sugar is absolutely false.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. It appears that further custodial detention may not be required for the progress of investigation. I have considered the submission that the petitioner has pledged to cooperate with the investigation.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed.

7. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the Eleka Magistrate under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged.
- (ii) The petitioner shall cooperate with the investigation.
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior

permission.

8. On breach of any of the bail conditions, bail order shall stand cancelled.
9. In the above terms, this Bail Application stands disposed of.
10. Send back the Case Diary.

JUDGE

Comparing Assistant