

GAHC010127352024



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

Case No. : Bail Appln./1891/2024

SAHINUR ISLAM @ KASA
S/O LATE SAMSUL HOQUE
VILL- CHAR KASHARIPARA
P.O. AND P.S. HALLIDAYGANJ
DIST. WEST GARO HILLS (MEGHALAYA), PIN-794104

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR R ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

28.06.2024

Heard Mr. R. Islam, learned counsel for the accused and also heard Mr. D. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Sahinur

Islam @ Kasa, who has been languishing in jail hazot since 06.06.2024, in connection with Sukchar P.S. Case No.19/2024, under Section 341/323/353/336/427/34 IPC, read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by Dy. S.P. Anshul Sharma, on 21.03.2024. The essence of allegation made in the aforesaid FIR is that on 20.03.2024, at about 11:30 p.m., he has apprehended three persons, namely, AHG Azad Sk., Sahinur Islam and Boshar along with 8-10 nos. of cow, which were being taken towards international border and on being chased them, they have crossed the stream of Jingiram river towards Meghalaya and from there, they have threatened the police staff with dire consequences and also pelted stones on the police party and damaged the vehicle and also caused injuries over his right knee.

4. Mr. Islam, learned counsel for the accused submits that the accused was arrested on 06.06.2024 and since then he has been languishing in jail hazot for last 24 days. Further, Mr. Islam submits that the accused is innocent and no way involved with the offence alleged in the FIR and that one of the co-accused, namely, Sapiul Islam @ Boshar has already been granted bail by this Court, vide order dated 17.05.2024 in Bail Appln. No.1360/2024 and the present accused is also stand in the same footing and therefore, it is contended to allow the petition.

5. Whereas, Mr. D. Das, learned Additional Public Prosecutor, Assam, has opposed the petition on the ground that there is allegation against the present accused.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Das, learned Additional P.P.

7. It appears that the accused was arrested on 06.06.2024 and since then he has been languishing in jail hazot for last 24 days. Further, it appears that vide order dated 17.05.2024 one of the co-accused has already been granted bail in Bail Appln.

No.1360/2024. Having considered the period of detention and also considering the nature and gravity of the offence and also considering the fact that one of the co-accused has already been granted bail by this Court vide order dated 17.05.2024 in Bail Appln. No.1360/2024, this Court is inclined to allow the petition. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., South Salmara, Mankachar, the accused, namely, Sahinur Islam @ Kasa, be enlarged on bail. Case diary be returned.

8. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant