

GAHC010127782024



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

Case No. : Bail Appln./1879/2024

SOHIDUL ISLAM
S/O LALMAMUD ALI
NO. 2 KANDHBARI, P.O. KANDHBARI
P.S. MUKALMUA
PIN CODE- 781126
DIST NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 02-07-2024

Heard Mr. A.K. Hussain, learned counsel for the petitioner and
Mr. R.J Baruah, learned Addl. PP, Assam appearing for the state
respondent.

This application under section 439 of the Code of Criminal Procedure, 1973 is preferred by accused, namely, ***Sohidul Islam*** who was arrested on 02.06.2024 in connection with ***Mukalmua PS case No.136/2024*** under sections ***120(B)/302 IPC***.

The Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The learned Counsel for the petitioner further submits that the petitioner is in custody since 02.06.2024 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the petitioner on bail.

Learned Additional Public Prosecutor for the state has seriously opposed the application and submitted that there are incriminating materials against the petitioner in the case diary which suggests involvement of the petitioner in the commission of the offence.

Having gone through the case diary produced by the learned Addl. P.P., this Court finds that there are sufficient materials in the case diary implicating the accused in his role in the commission of offence. The case diary also reveals that the petitioner has actively participated in the commission of the offence which resulted in the death of the victim.

Considering the stage of the investigation and on the basis of the materials collected so far, the petitioner has failed to make out a good case for granting him bail. This Court is also of the view that the stage of the investigation do not warrant grant of bail to the petitioner and as such, this bail application stands rejected at this stage.

In terms of the above, this bail application stands dismissed.
Return the case diary.

JUDGE

Comparing Assistant