

GAHC010130902024



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

Case No. : Bail Appln./1942/2024

DILBAR ALI @ DILBOR ALI
S/O NABIR ALI
R/O VILL- NO. 2 KEKANKUCHI
(KACHUA PATHAR)
P.S. MUKALMUA
DIST.NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

17.07.2024

1. Heard Mr. Z. Hussain, learned learned counsel for the petitioner and also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam,

appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Dilbar Ali @ Dilbor Ali, who has been shown arrested in Hatigaon P.S. Case No. 86/2024 under Section 380 of the Indian Penal Code on 21.05.2024, i.e. (for last 58 days).

3. It is submitted by the learned counsel for the petitioner that the petitioner was earlier arrested in connection with Hatigaon P.S. Case No. 87/2024 on 08.05.2024 and considering the period of detention, he may be allowed to go on bail.

4. On the other hand, Mr. K. Baishya, learned Additional Public Prosecutor, Assam has submitted that though case diary was called for, however, in the meanwhile, charge-sheet has already been laid bearing C.S. No. 105/2024 dated 30.06.2024 under Section 380 of the Indian Penal Code.

5. Considering the fact that the petitioner has been detained behind the bars for last 58 days and also considering the fact that the investigation has already been completed and charge-sheet has already been laid, the custodial detention of the present petitioner may not be necessary.

6. Hence, the above-named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount, subject to the satisfaction of the Trial Court, with following conditions that:-

- (i)** the petitioner shall co-operate in the trial; and
- (ii)** the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Court during trial.

7. With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant