

GAHC010132562024



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

Case No. : Bail Appln./2075/2024

SAMSUL HAQUE
S/O LATE BISHA SEIKH, VILL- BARTARI, P.S.-KALGACHIA, DIST- BARPETA,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.07.2024

1. Heard learned counsel Ms. T. Som for the petitioner Samsul Haque.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 29.04.2024 in connection

with Kalgachia P.S. Case No. 47/2024 under Section 302/201/34 of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioner is that he informed his neighbours that the body of his deceased father, Bisha Seikh has to be buried after following the customary rituals. At about 10 a.m., Ismail Hussain who was observing the rituals, noticed stab injuries on the neck and throat of the deceased. Meanwhile, the petitioner and his wife along with their children have already escaped. Then the present FIR was registered and investigation commenced.
5. Earlier vide order dated 07.06.2024 in connection with B.A. No. 1510/2024, bail application of the petitioner was rejected.
6. Now, the petitioner is behind bars for 86 days and the petitioner has prayed for bail as Charge-sheet has not yet been laid against the petitioner.
7. I have considered the submissions at the Bar with circumspection.
8. I have considered the prayer of the petitioner for bail on the length of detention.
9. It appears that investigation may have presumably progressed to a considerable extent.
10. I have also considered the submission that the petitioner is willing to co-operate with the remaining part of the investigation and he is willing to abide by any stringent bail conditions, if imposed upon him.

11. The petitioner is a local resident and is not a flight risk.

12. It is also submitted that further custodial detention may not be required for progress of investigation.

13. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioner is enlarged on bail of Rs 30,000/- (Rupees thirty thousand), with a suitable surety of like amount to the satisfaction of the Elaka Magistrate under the condition that:

(i) the petitioner shall not leave the jurisdiction of the Court without prior permission.

14. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

JUDGE

Comparing Assistant