

GAHC010133912024



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

Case No. : Bail Appln./1956/2024

SHAHINUR 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
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24.07.2024

Heard Mr. R. Islam, learned counsel for the petitioner as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent.

By filing this application under section 439 of the CrPC, the accused petitioner namely, **Shahinur Islam @ Kasa** has prayed for bail in connection **Sukchar PS Case No. 10/2024** under Sections 143/341/333/353/307/379/411 of the

IPC r/w Section 13 (1) /16 of ACP Act.

Case diary is received.

The learned counsel for the petitioner submits that the petitioner was arrested in connection with Sukchar PS Case No.19/2024. Subsequently, on 15.06.2024, the petitioner was shown arrested in connection with the instant case. It is clearly reflected in the order of the learned SDJM (M), Hatsingimari that there is no specific necessity stated by the I.O. for custodial interrogation of the petitioner and the police remand made by the I.O. was rejected with a liberty to the I.O. to interrogate the accused in judicial custody.

The learned Addl.P.P. has produced the case diary and opposed in granting bail to the petitioner .

I have considered the submission of the parties and perused the case diary and the order of the learned trial court. In fact, though it appears that the petitioner was earlier arrested in connection with Sukchar PS Case No.19/2024 but subsequently, though the I.O. has made a prayer before the learned SDJM (M), Hatisingimari for shown arrest in connection with Sukchar PS Case No. 10/2024 but police remand was rejected. However, the I.O. was allowed to interrogate the accused petitioner in judicial custody.

In view of above aspects and considering the length of detention of the petitioner in judicial custody this Court is inclined to grant the privilege of bail to the petitioner.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the learned **CJM, South Salmara, Mankachar** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, South Salmara, Mankachar** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant