

GAHC010135452024



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

Case No. : Bail Appln./1959/2024

MD. AZIZUR RAHMAN
SON OF LATE MOFIJUDDIN RESIDENT OF VILLAGE- NOWBOICHA
BHARALUA P.S.- NORTH LAKHIMPUR DIST.- LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.07.2024

Heard Mr. N. Ahmed, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

It is submitted by Mr. Borthakur, learned Addl. P.P. that the case diary as called for is not received and no intimation is received from the I.O. in this regard.

Heard both sides.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Md. Azizur Rahman**, praying for regular bail, who was arrested on 24.05.2024 in connection with North Lakhimpur P.S. Case No. 141/2024 under Sections 120B/ 143/ 147/ 326/ 307/ 338/ 333 IPC read with Section 4 of the Prevention of Damage to Public Property Act, 1984.

It is submitted by the learned counsel for the petitioner that one mob of villagers came to the police station after custodial death of an innocent person in the police station and in that regard, there was an altercation and push and pull between the police personnel and the villagers and in that process, out of anger, some of the persons might have taken some steps and committed the offence, but the present petitioner is not committed the alleged offence. However, the accused/ petitioner is behind the bar with effect from 24.05.2024 and the I.O. got sufficient time for his custodial interrogation. He further submitted that it is not a case of an organization under whose direction the offence was committed, but it is the public who gathered in the police station due to custodial death of an innocent person and in that process, some people might have committed the alleged offence, the present petitioner was though present in the mob but he has not committed any such offence and he is innocent and only he is a silent spectator. The learned counsel for the petitioner further submits that some of the co-accused persons have already been enlarged on bail and the prayer for bail of the petitioner may be considered on the ground of parity. However, the petitioner is ready and willing to cooperate with the investigation and trial, if he is enlarged on regular bail.

In this context, the learned Additional Public Prosecutor has submitted that as the case diary is not received, the actual facts cannot be ascertained and considering the length of detention and parity, bail petition may be considered.

Hearing the submission of the learned counsel for both the parties and considering the entire aspect of the matter, more particularly, only considering the period of detention, prayer for bail is allowed.

Accordingly, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Lakhimpur, North Lakhimpur in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned CJM, Lakhimpur, North Lakhmpur, without prior written permission from him/ her;
- (b) shall not hamper in the investigation of the case and tamper with the evidence of the case; and
- (c) 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 Court or to any police officer.

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

JUDGE

Comparing Assistant