

GAHC010136152024



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

Case No. : Bail Appln./1978/2024

HABIL AHMED AND ANR
SON OF LATE SUKUR ALI, RESIDENT OF REGENT PARADISE, FLAT NO. A3,
POLICE STATION HATIGAON, GUWAHATI, DISTRICT- KAMRUP (METRO),
ASSAM 781028

2: SRI SIMANTA CHOUDHURY
SON OF SRI KAMINI CHOUDHURY
RESIDENT OF HOUSE NO. 11
CHANDRA CHOUDHURY PATH
POLICE STATION BHETAPARA
GUWAHATI
DISTRICT- KAMRUP (METRO)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A LAL

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

23.07.2024

Heard Mr. A. Lal, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who have been languishing in jail since 31.05.2024 in connection with Hatigaon P.S. Case No.116/2024, registered under Sections 120(B)/420/406/387 of the Indian Penal Code, 1860.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. Lal, that the accused/petitioners are innocent and their names have been falsely implicated in this case solely based on an allegation that they entered into an illegal agreement with the informant with the intention to grab the land. He further submitted that the entire case is based on documentary evidence and all the documents have already been seized by the police in connection with this case. More so, the petitioners are behind the bar for last 53 days and accordingly, considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail as the I.O. has got sufficient time for his custodial interrogation.

In this context, the learned Additional Public Prosecutor, Mr. Sharma, has submitted that according to the Case Diary, the accused/petitioners entered into

an agreement with the informant. Subsequently, when the informant sought to cancel the agreement, the accused/petitioners allegedly demanded 50% of the land, citing the execution of a General Power of Attorney and an agreement. Thus, there are sufficient incriminating materials available against the accused/petitioners. However, all the relevant document has already been seized by the Police. Accordingly, he submitted that, considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail.

Considering the submissions of learned counsels for both sides and also considering the materials available in the Case Diary and further considering the length of detention already undergone by the accused/petitioners, i.e. 53 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused/petitioners, namely, **1. Habil Ahmed** and **2. Sri Simanta Choudhury**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer; and

- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), without prior permission.

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

JUDGE

Comparing Assistant