

GAHC010136212024



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

Case No. : Bail Appln./1988/2024

MUJAHIDUR RAHMAN MONDAL @ MUZAHIDUR RAHMAN MONDAL
SON OF LATE ROKIBUL HUSSAIN MONDAL, VILLAGE- RAJAPARA PART-II,
P.O. AND P.S. BAGRIBARI, DIST. KOKRAJHAR, ASSAM, PIN- 783349

VERSUS

THE STATE OF ASSAM
TO BE REP BY P.P. ASSAM

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : PP, ASSAM

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

16.07.2024

Heard Mr. A.F.N.U. Mollah, learned counsel of the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor representing the State respondent.

This application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for releasing the petitioner on regular bail, who has been languishing in jail since 25.06.2024 in connection with Bagribari P.S. Case No.56/2024, under Sections 147/148/149/353/307/427/333/336 of IPC, *read with* Section 3 of PDPP Act, 1984 (corresponding to G.R. Case No.286/2024).

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

It is submitted by the learned counsel for the petitioner, Mr. Mollah that the present petitioner is innocent and he is no way involved in the alleged offence nor he is FIR named accused, but, he was arrested only because of his presence near to the place of incident and on the basis of the video footage. It is admitted by the petitioner that he was present in the place of occurrence on the day of the incident, as he went to pick up his brother-in-law from tuition and on their way back they met the mob near to the place of occurrence. More so, he is behind the bar since 25.06.2024 and hence, considering his length of detention, he may be released on bail. Further, the petitioner is a permanent resident of the locality and hence, there is no chance of absconding if the accused/petitioner is enlarged on bail, rather, he will fully co-operate with the I.O. in further investigation of the case, if the same is allowed.

In this context, Mr. Sharma, learned Additional Public Prosecutor submits that there are sufficient incriminating materials available against the accused/petitioner and he is the prime accused of the case. He further submitted that due to the aforesaid

mob incident, 10(ten) police personal have been injured severely and 4(four) department vehicles has been damaged by the accused/petitioner along with others by entering into the police campus and further, to stop the situation, the police personal had fired 7 (seven) rounds in open air. Thus, at this stage, he submits that it is not at all a fit case to allow the accused/petitioner to go on bail.

Considering the submissions of the learned Counsels for both sides and on perusal of the Case Diary as well as the Note of the IO, it is seen that, the I.O has raised objection in granting bail to the accused/petitioner stating that he along with others were the main culprits who committed the crime and they entered into the police station and damaged 4(four) vehicles and apart from that 10(ten) police personals had sustained severe injuries. It is also seen that to control the mob led by the accused/petitioner along with others, the police personal had fired 7 (seven) rounds in open air. Thus, considering the gravity of offence and the materials available in the Case Diary and the statement of the witnesses, I find that further custodial interrogation accused/petitioner may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of bail can be granted to the accused/petitioner at this stage and accordingly, the same stands rejected.

In terms of above, this Bail Application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant