GAHC010138142024

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

Case No. : Bail Appln./2021/2024

AMJED ALI
S/O HASIM ALI,
VILL.- KALJAR, P.O.- BARAMA, P.S.- BARAMA, DIST.- BAKSA, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR B M DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-07-2024

Heard Mr. B.M. Deka, learned counsel for the petitioner Amjed Ali.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 12.05.2024 in connection with Mushalpur Police Station Case No. 45/2024 under Sections 401/411/413 of the Indian Penal Code, 1860.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has raised objection against the bail prayer as the Case Diary is not forwarded and bail cannot be considered without perusal of the Case Diary.

4. The learned counsel for the petitioner has relied on the order dated 15.06.2024 passed by the learned Chief Judicial Magistrate, Baksa, Mushalpur which reflects that one of the co-accused namely, Ananda Sutradhar was granted bail in connection with this case. It is submitted on behalf of the petitioner that further custodial detention of the petitioner may not be required as investigation may have presumably progressed to a considerable extent. It is further submitted that the petitioner deserves bail on the ground of parity.

5. I have considered the submissions at the bar with circumspection.

6. The allegation against the petitioner is that he is involved in theft or receipt of some stolen property relating to one inverter machine, four batteries from the office room of Manasa Milan High School, Sripurdeor.

7. I have considered the submissions on behalf of the petitioner that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions, if imposed upon him. The petitioner is a local resident and he is not a flight risk.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the Eleka Magistrate under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged.

(ii) The petitioner shall not leave the jurisdiction of the Court without prior

permission.

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

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

JUDGE

Comparing Assistant