

GAHC010142362024



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

Case No. : Bail Appln./2158/2024

GIAS UDDIN AHED @ GIASUDDIN AND ANR.
S/O LT. BASIR UDDIN
R/O VILL- GAROJAN
P.O. SIMLABARI, P.S. LAKHIPUR
DIST. GOALPARA, ASSAM

2: MUZAHARUL ISLAM @ MUJAHARUL ISLAM
S/O GIAS UDDIN AHMED @ GIASUDDIN
R/O VILL- GAROJAN
P.O. SIMLABARI
P.S. LAKHIPUR
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 26.07.2024

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. M. A. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the BNSS, 2023 praying for grant of bail to the accused/petitioners, who have been arrested in connection with Lakhipur P.S. Case No. 164/2024, under Sections 120(b)/406/201/379 of the Indian Penal Code.

It is submitted by Mr. Choudhury, learned Senior Counsel for the petitioners, that the accused/petitioners are innocent and they have not committed any offence as alleged in the F.I.R. Though it may be a fact that the suparis were given in custody of one Abdus Sobur and he sold the same in connivance with Sofikul Islam, who is the elder son of the petitioner No. 1, but the present petitioners are no way connected with the alleged offence and they have nothing to do with the business of supari. Further he submitted that the present petitioners are behind the bar for last 42 days and hence their further custodial interrogation may not be required.

In this context, Mr. D. Das, learned Additional Public Prosecutor, has submitted that the case is still under investigation and the present

accused/petitioners, along with others, sold the supari to someone without even prior intimation to the authority concerned. Accordingly, the learned Additional Public Prosecutor raised objection and submitted that further custodial interrogation of the present accused/petitioners may be necessary to unearth some more facts of the case.

Considering the submissions made by the learned counsels for both sides and also considering the entire aspects of the case as well as the nature of allegation leveled against the present accused/petitioners, I am of the view that further custodial interrogation of the accused/petitioners seems to be not necessary for the purpose of investigation.

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, Goalpara, the accused/petitioners, namely, (i) Gias Uddin Ahmed @ Giasuddin & (ii) Muzaharul Islam @ Mujaharul Islam, 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 him 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, Goalpara, without prior permission.

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

JUDGE

Comparing Assistant