

GAHC010145522024



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

Case No. : Bail Appln./2132/2024

NUR ISLAM @ MD. NUR ISLAM
S/O HUSSAIN @ HASEN ALI, R/O VILL - 7 NO. BASHBARI, P.S.- MANIKPUR,
DIST- BONGAIGAON (ASSAM), PIN-783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.07.2024

1. Heard learned counsel Mr. S. C. Biswas for the petitioner Nur Islam @ Md. Nur Islam.
2. This application has been filed by the petitioner under Section 483 of the

BNSS, 2023 with prayer for bail as he is behind bars since 20.04.2024 in connection with Manikpur P.S. Case No. 59/2024 under Sections 363/370/371 of the IPC corresponding to GR Case No. 244/2024.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted on behalf of the petitioner that after Charge-sheet was laid against the petitioner vide order dated 03.07.2024 passed by this Court in connection with B.A. No. 1479/2024, the petitioner was directed to appear before the learned Trial Court. It is submitted that the Jurisdictional court, however rejected the bail petition and forwarded the petitioner to custody. The petitioner is willing to co-operate with the trial.
5. It is submitted that the petitioner has a good case of acquittal. He is not guilty of any offence under Sections 363/370/371 of the IPC, and without any ingredients, Charge-sheet was submitted against the petitioner under the aforesaid sections of law.
6. I have considered the submissions at the Bar with circumspection. I have taken a pragmatic view.
7. The petitioner is willing to co-operate with the trial. The petitioner is behind bars for 95 days. It appears that bail may be granted to the petitioner.
8. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- (Rupees fifty thousand), with a suitable surety of like amount to the satisfaction of the

Jurisdictional Court under the condition that:

- (i) the petitioner shall not leave the jurisdiction of the Court without prior permission till completion of the trial.

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

JUDGE

Comparing Assistant