

GAHC010146702024



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

Case No. : Bail Appln./2172/2024

RAHUL ISLAM
S/O SHAHIDUL ISLAM
R/O KUMALIPARA, BARPETA
PS. HOWLY, DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R CHETRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-07-2024

Heard Mr. R. Chetri, learned counsel for the petitioner Rahul Islam, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 25.06.2024 in connection with Basistha Police Station Case No. 457/2024 under Sections 381

of the Indian Penal Code, 1860.

2. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he is involved in theft of Activa Scooty and food materials from Eden Cold Storage.

4. The learned counsel for the petitioner has submitted that the petitioner is behind bars for 35 (Thirty Five) days and custodial detention is no more required.

5. I have considered the submissions at the bar with. I have considered the length of detention. It appears that investigation may have presumably progressed to some extent and custodial detention may not be required for further progress of investigation. The petitioner is a local resident and he is not a flight risk. The petitioner has pledged to cooperate with the investigation and to abide by any stringent bail conditions, if imposed upon him.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati under the conditions that:

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

(ii) *The petitioner shall cooperate with the investigation.*

(iii) *The petitioner shall not leave the jurisdiction of the Court without prior permission.*

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

8. In terms of the above observations, Bail Application stands disposed of.

JUDGE

Comparing Assistant