

GAHC010148152024



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

Case No. : Bail Appln./2174/2024

SAIDUL ISLAM AND 3 ORS.
S/O ABBAS ALI
VILL- BARJANA PART-I, PS. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

2: ASAN UDDIN
S/O ABBAS UDDIN
VILL- NANGALKUR
P.S. AND DIST. BARPETA
ASSAM

3: AMIR KHAN
S/O TOSER KHAN
VILL- NO. BHATKUCHI
NAGALKUR
P.S. AND DIST. BARPETA
ASSAM

4: MOHIBUL MIYAH
S/O SADULLAH MIYAH
VILL- NAGALKUR
P.S. AND DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS A BEGUM,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 09-08-2024

Heard Ms. A. Begum, learned counsel for the petitioners 1) Saidul Islam, 2) Asan Uddin, 3) Amir Khan and 4) Mohibul Miyah, who have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS for short) with prayer for bail as they are behind bars since 14.07.2024 in connection Abhayapuri Police Station Case No. 170/2024 under Section 331(4)/305(a) of the Bharatiya Nyaya Sanhita, 2023 (BNS for short).

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State, who has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioners. Certain stolen articles have been recovered from the petitioners whereas one accused is still absconding and investigation may be adversely affected if the petitioners are admitted to bail.

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

4. The allegation against the petitioners is that they are involved in committing theft from the shop of the informant. The articles are valued up-to the tune of Rs.2,00,000/- (Rupees Two Lacs).

5. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. However, I have considered the submission that the petitioners are willing to cooperate with the remaining part of the investigation. The Case Diary also reveals that investigation has also

progressed to a considerable extent.

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

(i) The petitioners shall refrain from such activities with which they are alleged.

(ii) The petitioners shall not exercise threats to the witnesses and tamper with the evidence.

(iii) The petitioners shall cooperate with the investigation.

(iv) The petitioners shall not leave the jurisdiction of the jurisdictional Court without prior permission.

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

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant