

GAHC010150132024



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

Case No. : Bail Appln./2214/2024

AJIT ALI AND 3 ORS
S/O HUSSAIN ALI, R/O NO. 2 DHUPURI, P.S.-MANIKPUR, DIST-
BONGAIGAON, ASSAM

2: JAKIR HUSSAIN
S/O AJI RAHMAN @ AZIJUR RAHMAN
R/O BORBILA
P.S.-MANIKPUR
DIST- BONGAIGAON
ASSAM

3: MAHMUDUL ALI
S/O HASEN ALI @ ASAN ALI
R/O SALABILA NO. 1
P.S.-MANIKPUR
DIST- BONGAIGAON
ASSAM

4: SAHIZUL HOQUE
S/O LATE MOKSED ALI
R/O MOUKHUWA
P.S.-MANIKPUR
DIST- BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A K AZAD, MS S DEVI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

31.07.2024

Heard Mr. A. K. Azad, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot since 27.03.2024 in connection with Sorbhog P.S. case No. 38/2024, registered under Sections 365/392 of the Indian Penal Code and added Section 412 of IPC, corresponding to P.R.C. Case No. 1128/2024.

The learned counsel for the petitioners, Mr. Azad, submits that the present petitioners are innocent and have been falsely implicated in this case. He points out that during the investigation, the police seized and recovered the Bolero vehicle used in the robbery, as well as the Tata Magic vehicle used to transport the stolen betel nuts, which were also seized. He further submitted that after the charge-sheet was filed, the petitioners approached this Court, which directed them to appear before the learned Trial Court. Accordingly, the petitioners appeared before the Courts of the learned Additional Chief Judicial Magistrate, Barpeta, and the Sessions Judge, Barpeta. However, their bail applications were rejected by these Trial Courts. Consequently, the petitioners have now filed this bail application before this Court.

Moreover, the petitioners have been in custody for the last 127 days and accordingly, considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail. He also submitted that the petitioners are the resident of the addressed locality and thus, there is no chance of absconding, rather, they are ready and willing to appear before the Court on each and every date fixed.

On the other hand, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that the accused/petitioners' earlier bail applications were rejected by the Trial Courts. Therefore, considering the nature of the offence, he insisted to call for the scanned copy of the Case Record, as Section 412 of the IPC has also been added. However, he submits that the case has not yet been committed before the Trial Court, indicating that it will take time for the trial of this case to commence.

Considering the submissions of learned counsels for both sides and also considering the nature of offence and further considering the length of detention already undergone by the accused/petitioners, i.e. 127 days, I am of the view that further custodial detention may not be required. More so, there is no probability of completion of trial within short period as the case is not yet committed.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) only each with two sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta, the accused/petitioners, namely, **1. Ajit Ali, 2. Jakir Hussain, 3. Mahmudul Ali** and **4. Sahizul Hoque**, 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 them 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, Barpeta, without prior permission.

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

JUDGE

Comparing Assistant