GAHC010151382024

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

Case No. : Bail Appln./2209/2024

HOMAIJ UDDIN
S/O ABDUL GAFAR, VILL- CHARAIJURIA, P.S.-KAMPUR, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.07.2024

1. Heard learned counsel Mr. M. Rahman for the petitioner Homaij Uddin.

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 28.06.2024 in

connection with Barpeta Road P.S. Case No. 74/2024 corresponding to GR No. 676/2024 under Sections 468/120(B)/420/471/467 of the IPC.

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 he has been behind bars for 33 days and further custodial detention for the progress of the investigation may not be required. The petitioner has already co-operated with the investigation.

5. The allegation against the petitioner is that he has forged marksheets and other documents.

6. I have also considered the submission that the petitioner is willing to co-operate with the remaining part of the investigation and he is willing to abide by any stringent bail conditions, if imposed upon him.

7. It appears that investigation may have presumably progressed to a considerable extent.

8. The petitioner is a local resident and is not a flight risk.

9. It is also submitted that further custodial detention may not be required for progress of investigation.

10. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioner is enlarged on bail of Rs 30,000/- (Rupees thirty thousand), with a suitable surety of like amount to the satisfaction of the

learned CJM, Barpeta under the conditions that:

(i) the petitioner shall refrain from such activities with which he is alleged,

(ii) the petitioner shall not interpolate or temper with the evidence, and

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

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

JUDGE

Comparing Assistant