

GAHC010154222024



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

Case No. : Bail Appln./2269/2024

IKRAMUL HOQUE @ EKRAMUL
S/O SAHAB UDDIN, R/O NO. 1 BHATIAKHALI, P.S.-RUPAHIHAT, DIST-
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN, MD R ISLAM, MR. S
RAHMAN, MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.08.2024

1. Heard learned counsel Mr. S. M. Abdullah P for the petitioner Ikramul Hoque @ Ekramul.
2. This application has been filed by the petitioner under 483 of the BNSS,

2023 with prayer for bail as he is behind bars since 22.06.2024 in connection with Gohpur P.S. Case No. 82/2024 under Section 380 of the IPC.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on the night of 06.06.2024, some unknown miscreants committed theft of 3 heads of cattle from the cowshed of Babul Talukdar and also another 3 heads of cattle from his neighbour Matilal Munda and another 3 heads of cattle from one, Junu Hazarika. Thus, it is clear that 9 heads of cattle were stolen on the same night.

5. Learned Additional Public Prosecutor has raised objection stating that the petitioner was forwarded to custody as his mobile location was found near the place of occurrence.

6. Learned counsel for the petitioner has submitted that there are no incriminating materials to forward the petitioner to custody. The Forwarding report reveals that there is nothing incriminating against the petitioner. It is also submitted that the petitioner is behind bars for 45 days.

7. I have considered the submissions at the Bar with circumspection.

8. It appears that investigation may have presumably progressed to a considerable extent and further custodial detention may not be required for progress of the investigation.

9. I have considered the submission that the petitioner is a local resident and

not a flight risk. The petitioner is willing to abide by any stringent bail conditions, if imposed upon him. The petitioner is also willing to co-operate with the remaining part of the 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 Elaka Magistrate under the conditions that:

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall co-operate with the remaining part of the investigation, 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