

GAHC010156292024



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

Case No. : Bail Appln./2277/2024

MAJED ALI AND ANR
S/O RAMJAN ALI,
RESIDENT OF VILLAGE SALMARA PS MANIKPUR, DIST BONGAIGAON,
ASSAM

2: ALIM UDDIN
S/O RAMJAN ALI

RESIDENT OF VILLAGE SALMARA PS MANIKPUR
DIST BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MS. J GHOSH, MS S DEVI, MR. R MAJUMDAR, MR. JUNM
LASKAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 28.08.2024

Heard Mr. A. K. Azad, learned counsel appearing on behalf of the petitioners. Also heard Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of bail to the accused/petitioners, who have been arrested in connection with P.R.C. Case No. 1128/2024, pending before the Court of learned Chief Judicial Magistrate, Barpeta, corresponding to Sorbhog P.S. Case No. 38/2024, under Sections 365/391 of the India Penal Code.

It is submitted by Mr. Azad, learned counsel for the petitioners, that this is a subsequent bail application filed by the petitioners after the rejection of their earlier bail petition vide order dated 15.07.2024. He further submitted that the case has already been charge-sheeted, but till date, the trial has not been commenced as one of the co-accused is shown as absconder in the Charge-Sheet. However, he submitted that 4 (four) numbers of accused persons were already been granted bail by this Court vide order dated 31.07.2024, in Bail Appln. No. 2214/2024, who were also arrested in connection with this case. The present accused/petitioners were arrested on 27.03.2024 and since then, they are behind the bar and hence, considering their length of detention and also considering the ground of parity, they may be enlarged on bail. Further he

submitted that they are the permanent resident of their addressed locality and there is no chance of absconding. He further submitted that the added Section 412 I.P.C. also do not attract against the present accused/petitioners.

Mr. Lahkar, learned Additional Public Prosecutor, has submitted in this regard that there are sufficient incriminating materials against the present accused/petitioners. However, he submitted that considering the fact that the trial has not yet been commenced, their bail prayer may be considered.

After considering the submissions made by the learned counsels for both sides, I have also perused the scanned copy of the case record, which has been received in connection with Bail Appln. No. 2073/2024, and it reveals that there are sufficient incriminating materials against the present accused/petitioners. However, considering the fact that the trial has not yet been commenced and also considering the fact that the other co-accused are already allowed to go on bail by this Court, I am of the view that on the ground of parity, the bail petition of the present accused/petitioners can also be considered.

In view of above and also considering all aspects of the case, I am of the view that further custodial detention of the present accused/petitioners is not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta, the accused/petitioners, namely, (i) Majed Ali & (ii) Alim Uddin, 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 him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner 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