

GAHC010157772024



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

**Case No. : Bail Appln./2338/2024**

MD. NAJIR ALI  
S/O LATE AHMED ALI, R/O VILL- PUB CHANDMARI, P.S.-NORTH  
LAKHIMPUR, DIST-LAKHIMPUR

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR M HOQUE, MS J BEGUM

**Advocate for the Respondent** : PP, ASSAM,

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

**ORDER**

**Date : 28.08. 2024**

1. Heard Mr. M. Hoque, learned counsel for the petitioner, Md. Najir Ali.
2. The petitioner has filed this bail application under Section 483 of BNSS, 2023, with prayer for release on bail as he is behind bars since 28.06.2024 in connection with G.R. Case No. 1719/ 2017 under Section 395 IPC (arising out of Lakhimpur PS Case No. 752/2017 under Sections 457/380/ 511 IPC), pending

in the Court of the learned JMFC, Lakhimpur, North Lakhimpur.

3. Also heard Mr. R.R. Kaushik, learned Addl. Public Prosecutor for the State respondent.

4. Scanned copy of the trial court record, as called for, is not received.

5. Learned Addl. P.P. has raised objection against the prayer of bail.

6. I have considered the submission at Bar with circumspection.

7. I have also considered the length of detention and the progress of investigation.

8. The charge sheet was submitted way back in the year, 2017. The petitioner has failed to appear before the court. The petitioner is willing to face the trial and co-operate with the trial. He will abide by any stringent condition of the bail imposed upon him. The petitioner is behind bars for last 61 days. It is also submitted on behalf of the petitioner that the FIR does not reveal that it is a case under Section 395 IPC, rather it is a case of burglary and not dacoity.

9. Considering entire aspect of the matter, petition is allowed.

10. In view of the above and considering the length of detention, the petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned, Judicial Magistrate, First Class, Lakhimpur, North Lakhimpur in connection with the aforesaid case under the following conditions that:-

- (1) the petitioner shall refrain from such activities with which he is alleged,
- (2) the petitioner shall cooperate with the trial and appear before the I.O. as and when required.

(3) the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission from the Court.

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

12. Bail application stands disposed.

**JUDGE**

**Comparing Assistant**