

GAHC010157832024



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

**Case No. : Bail Appln./2331/2024**

ALTAF HUSSAIN  
S/O LATE RAJU ALI, R/O VILL- CHATLA, P.S.-SARTHEBARI, DIST-BARPETA,  
ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR F HAQUE, MR A ISLAM, MR. S K M ALOMGIR

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

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

O R D E R

Date : 13.08.2024.

Heard Mr. F. Hoque, learned counsel for the accused/ petitioner, namely, Altaf Hussain.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, with prayer for bail as he is behind the bars since 11.07.2024, in connection with Hatigaon Police Station Case No.113/2024,

under Section 379 of the Indian Penal Code.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has submitted that there are some incriminating materials in the case diary against the petitioner.

4. I have considered the submissions at the bar with circumspection. I have also considered the case diary.

5. Indeed there are some incriminating materials in the case diary against the petitioner.

6. I have considered the submission that the petitioner is not the prime accused, who is involved in the theft of the scooty. It is also submitted that the scooty was not recovered from the possession of the petitioner. I have also considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail condition imposed upon him. The petitioner is a local resident and he is not flight risk.

7. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand), with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M) at Guwahati, 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.

8. On breach of any of the above bail conditions, the bail order shall stand

cancelled.

9. In the above terms, this Bail Application stands disposed of. Send back the case diary forthwith.

JUDGE

**Comparing Assistant**