

GAHC010158032024



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

Case No. : Bail Appln./2349/2024

JOYNAL ABDIN
S/O LATE ALIMUDDIN, R/O VILL- BARBHALA CHHAR, P.S.-GOLOKGANJ,
DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR L SARMA, MR. K MALAKAR,MR D CHUTIA

Advocate for the Respondent : PP, ASSAM, MS F HUSSAIN(R-2),MD R ISLAM(R-2),MR. S RAHMAN(R-2),MD IMRAN(R-2),MR S M ABDULLAH P(R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.09.2024

Heard Mr. L.Sarma, learned counsel for the petitioner as well as Mr. B.Sarma, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Joynal Abdin** has prayed for grant of bail in connection with **Patacharkuchi P.S. Case No.138/2024**

under Sections 329(4)/190/118 (2)/109/103 (1) of BNS r/w Section 25 (1) A/27/35 of Arms Act.

The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence. The petitioner was arrested along with other accused person and bail was granted one of the accused Sayed Ali who was arrested along with the petitioner from a Hotel at Paltan Bazar. It is also submitted that the alleged weapon was not recovered from the possession of the accused petitioner. The petitioner is in judicial custody for last 79 days since his arrest on 04.07.2024. Considering length of detention, petitioner may be enlarged on bail.

Addl.P.P. on the other hand has produced the case diary and has opposed in granting bail to the petitioner. It is further submitted that a TIP was conducted during investigation and one witness identified Saidul Islam, Monohar Ali and Yakub Ali along with the present petitioners. In this case, one person namely, Ibrahim Ali was killed by hiring a person from Bihar.

Having heard the learned counsel for the parties and on perusal of the case diary, it reveals that the present petitioner had conspired with other co-accused to kill the deceased and mother of the deceased also sustained grievous injuries on her person. Under such backdrop, this court is not inclined to grant bail to the petitioner at this stage.

The Bail application is accordingly rejected.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant