

GAHC010158672024



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

Case No. : Bail Appln./2339/2024

TAHER ALI
S/O SUKUR ALI, VILL- RAMPUR, LARKUCHI, P.S.-MUKALMUA, DIST-
NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A ALI, MR. R ISLAM, MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29.08. 2024

1. Heard Mr. S. Islam, learned counsel for the petitioner, Md. Taher Ali, who has filed this bail application under Section 483 of BNSS, 2023, with prayer for bail as he is behind bars since 17.07.2024 in connection with Gorchuk P.S. Case No. 213/2024 under Sections 61(2)/ 303(2)/ 3(5) of BNS, 2023.
2. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

3. The FIR unfolds that on 14.07.2024, at about 12.00 noon, the informant parked his Tata Yodha Pick-up Van, bearing Registration No. AS-01-QC-6753, in front of his rented house at Paschim Boragaon. On 15.07.2024, at about 3.30 a.m., the vehicle was found missing at the parking place. The informant i.e. the owner of the vehicle has learnt that the vehicle was stolen under the leadership of one Md. Taher Ali.

4. It is submitted by the learned Addl. Public Prosecutor that the petitioner is the prime accused and he is not entitled to bail as there are incriminating materials in the case diary against the petitioner.

5. I have considered the submission at bar with circumspection. I have also scrutinized the case diary.

6. There are indeed incriminating materials in the case diary against the petitioner. Investigation has progressed to a considerable extent. It appears that further detention may not be required for the progress of investigation. The petitioner is a local resident and he is willing to cooperate with the remaining part of investigation. The petitioner has pledged to abide by any stringent bail conditions, if imposed upon him.

7. Considering all aspects, petition is allowed. The petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned, Chief Judicial Magistrate, Kamrup (M), Guwahti in connection with the aforesaid case under the following conditions that:-

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall cooperate with the remaining part of investigation and will not jump the bail.

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

8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
9. Bail application stands disposed.
10. Return the case diary.

JUDGE

Comparing Assistant