

GAHC010161892024



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

Case No. : Bail Appln./2407/2024

MD. ABUL ALI
S/O LATE ALIMUDDIN ALI, R/O DHIRENPARA, NEAR SHIV MANDIR,
ITARBHATA, P.S.-FATASIL AMBARI, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S H SIKDAR, MR A KHAN, MD IMRAN, MR. S HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

14.08.2024

1. Heard learned counsel Mr. S. H. Sikdar, for the petitioner Md. Abul Ali.
2. The petitioner has filed this application under Section 483 of the BNSS, 2023 with prayer for bail as he is behind bars since 07.08.2024 in connection with Hatigaon Police Station Case No. 176/2024 under Sections 406/420/468 of

the IPC corresponding to GR Case No. 4595/2024.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he induced the informant to purchase a plot of land ad measuring 3 bighas 4 kathas 4 lechas situated at Revenue village, Jogighopa under Mouza-Dakhin Rani, Azara Revenue Circle, Kamrup,(M). An amount of Rs. 10 lacs was paid by the petitioner to the informant in cash as well as through cheque. Later, the informant learnt that the petitioner is not the sole legal heir of the deceased owner, Jamila Khatun.

5. It is submitted on behalf of the petitioner that at present the informant is not willing to purchase the land but the petitioner is willing to repay the money paid in advance by the informant. It is also submitted that a false case was initiated against the petitioner because the informant is not willing to purchase the land.

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

7. The petitioner is willing to repay the money received by him in advance from the informant. The petitioner is willing to co-operate with the investigation and he has pledged to abide by any stringent bail conditions, if imposed upon him.

8. It appears that custodial detention may not be required as investigation may have presumably progressed to a certain extent.

9. Considered the length of detention of the petitioner, petition is allowed. The petitioner shall be enlarged on bail of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M), under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged,
- (ii) The petitioner shall appear before the Investigating Officer every fortnight till completion of the investigation, and
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

JUDGE

Comparing Assistant