

GAHC010164622024



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

Case No. : Bail Appln./2421/2024

KOYSER ALI @ KOSOR ALI
S/O LATE KOFIL UDDIN,
RESIDENT OF MOLAKHOWA, PS SUKCHAR, DIST SOUTH SALMARA
MANKACHAR, ASSAM 783135

2: NUR HUSSAIN SK
S/O KOYSER ALI
RESIDENT OF MOLAKHOWA
PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

3: NUR MOHAMMAD SK
S/O KOYSER ALI
RESIDENT OF MOLAKHOWA
PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM 78313

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

2:MOZZAFOR SHEIKH
S/O LATE SIRAJUL HOQUE

RESIDENT OF BERABHANGA PART II
PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM 78312

Advocate for the Petitioner : MR. A Z AHMED, S W HUSSAIN,MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 06-09-2024

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. A. Khaleque, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been instituted seeking regular bail by the petitioners namely, **1. Koyser Ali @ Kosor Ali 2. Nur Hussain Sk and 3. Nur Mohammad Sk**, in connection with Sukchar P.S. Case No.39/2024 under Sections 120(B) /341 /326 /352 /307/ 379/427 IPC.

The above noted case was so registered basing on the FIR lodged by Mozzafor Sheikh alleging that the petitioners herein, along with other accused persons had assaulted his younger brother viz, Mukul Hoque, and snatched away an amount of Rs.40,000/- from him. It was alleged that there was a conspiracy to kill the younger brother of the petitioner.

Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary and submits that the victim Mukul Hoque has implicated the present petitioners.

Learned Additional Public Prosecutor has vehemently opposed to grant bail to the present petitioners.

I have considered the submission made by the learned counsel for the parties and also perused the case diary.

However, considering the length of detention undergone by the petitioners herein, this Court is of the view that custodial interrogation of the present petitioners would not be called for.

Therefore, the petitioners are entitled to be enlarged on bail.

Accordingly, it is directed that the petitioner named above shall be released on bail in connection with Sukchar P.S. Case No.39/2024 under Sections 120(B) /341 /326 /352 /307/ 379/427 IPC on furnishing a bail bond of Rs.20,000/- (Rupees twenty thousand) each with a suitable surety of the like amount to the satisfaction of the learned CJM, South Salmara, Mankachar subject to the following conditions:

- (i) that the petitioners shall cooperate the Investigating Officer as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, South Salmara, Mankachar without prior permission.

With the above observation and direction, the Bail Application stands disposed of.

JUDGE

Comparing Assistant