

GAHC010165832024



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

Case No. : Bail Appln./2466/2024

SIRAJUL ALI
S/O UMAR ALI, VILL- BORAGDIA, P.S.-TARABARI, DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.08.2024

1. Heard Mr. B. Borgohain, learned counsel for the petitioner Sirajul Ali.
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 bars since 16.07.2024 in connection with Hatigaon Police Station Case No. 161/2024

corresponding to GR No. 4135/2024 under Sections 305(A) of the BNS.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner has committed a serious offence and he is not entitled to bail at least without the perusal of the Case Diary.

5. The FIR unfolds that some unknown miscreants entered into the informant's residence and committed theft of a mobile phone, 3 nos. of gold chains, a silver chain and cash of Rs. 1 lac. It is also submitted that the Forwarding Report reveals that the petitioner was caught as he was roaming around the locality as he has earlier committed other criminal antecedents and since then he has been languishing in the Jail.

6. Learned Additional Public Prosecutor has raised objection stating that the articles have not yet been recovered.

7. I have considered the submissions at the Bar with circumspection. The petitioner is behind bars since 30 days.

8. It appears that investigation may have presumably progressed to a certain extent. The petitioner is willing to cooperate with the remaining part of the investigation. The petitioner is a local resident and he is not a flight risk.

9. I have also considered the submission that further custodial detention may not be required for progress of investigation.

10. 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) 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.

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

JUDGE

Comparing Assistant