

GAHC010166632024



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

Case No. : Bail Appln./2477/2024

IRSAD ALI @ IRSHAD ALI
S/O OHAB ALI, R/O SATGAON NOWAPARA, PUTULI RASUL PATH, P.O.-
PANJABARI, P.S.-SATGAON, DIST- KAMRUP (M), ASSAM, PIN-781027

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

24.09.2024

Heard Mr. HRA Choudhury, learned senior counsel, assisted by Mr. A Ahmed, learned counsel for the petitioner and Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 by the petitioner, namely, Irsad Ali @ Irshad Ali, praying for release on bail in connection Sessions Case No. 138/2024 arising out of Satgaon P.S. Case No. 51/2024.

The petitioner is facing trial in the Sessions Case No. 138/2024 pending in the court of the learned Additional Sessions Judge No. 3, Kamrup (M), Guwahati.

One day, in the evening, the 19 [nineteen] years old deceased was called by the present petitioner. Both of them went out. The said boy did not return home that night. In the next morning, the deadbody of the boy aforesaid was recovered.

The Post Mortem Report shows that the death of the boy was caused due to consumption of ethyl alcohol. The amount of alcohol shows in the report as 0.238 gram. He had also some other injury on his body. The learned trial court refused the bail prayer of the petitioner on the ground that the deceased was last seen together with the present petitioner.

I have considered the submission made by the learned counsel of both sides in the light of the materials available in the record. Without expressing any opinion about the merit of the case, this court is of the opinion that the petitioner deserves to be released on bail. Therefore, the bail prayer of the petitioner is allowed.

Accordingly, the petitioner Irsad Ali @ Irshad Ali, who has been languishing in jail in connection Sessions Case No. 138/2024 arising out of Satgaon P.S. Case No. 51/2024, is allowed to go on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Additional Sessions Judge No. 3, Kamrup (M), Guwahati.

It is directed that the petitioner shall not influence the Police investigation and intimidate any witnesses in any purpose.

The bail application is disposed of.

JUDGE

Comparing Assistant