

GAHC010172882024



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

Case No. : Bail Appln./2537/2024

NAJRUL ISLAM
S/O FIROJ ALI
R/O VILL- GOPESWAR
P.O. DEUDUAR,P.S. CHANGSARI
DIST. KAMRUP, ASSAM
PIN-781101

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR A N IQBAL, R HAQUE,MATIUR RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.09.2024

1. Heard Mr. A. N. Iqbal, learned counsel for the petitioner Najrul Islam.
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 10.08.2024 in connection with Bongaigaon P.S. Case No. 188/2024 under Section 380 of the IPC.

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

4. Learned Additional Public Prosecutor has raised objection stating that the bail petition cannot be considered without the perusal of the Case Diary. The Case diary will reveal the role of the petitioner in connection with the theft of the IMFL from the shop.

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

6. The FIR unfolds theft of liquor and cash from the liquor shop. The Forwarding report reveals the seizure of liquor as well as 2 vehicles.

7. It appears that investigation may have presumably progressed to a considerable extent. The petitioner is a local resident and not a flight risk.

8. I have considered the submission that the petitioner is willing to co-operate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him. It appears that bail may be granted to the petitioner.

9. 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 Elaka Magistrate under the conditions that:

- (i) The petitioner shall co-operate with the remaining part of investigation,

(ii) The petitioners shall refrain from such activities with which he is alleged, 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.

11. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant