

GAHC010173322024



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

Case No. : Bail Appln./2564/2024

MONOHAR ALI
S/O LT. MARTOZ ALI @ MOTALEB ALI, R/O RAJAKHAT, P.O.-KUROBAHA,
P.S.-PATACHARKUCHI, DIST- BAJALI, ASSAM, PIN-781325

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HOSSAIN, MR J HUSSAIN, MD A WADUD

Advocate for the Respondent : PP, ASSAM, MR S M ABDULLAH P (INFORMANT), MS F HUSSAIN (INFORMANT), MR. S RAHMAN (INFORMANT), MD R ISLAM (INFORMANT), MD IMRAN (INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

30.09.2024

Heard Mr. M. Hossain, learned counsel appearing for the accused petitioner as well as Mr. K. K. Parasar Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Monohar Ali**, has prayed for grant of bail in connection with **Patacharkuchi P.S. Case No.138/2024** under Sections **329(4)/190/118(2)/109 /103(1) BNS r/w Section 25(1)(a)/27/35 of**

Arms Act.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 88 days since his arrest on 04.07.2024 and no any arms and ammunitions was recovered from his possession. Considering the length of detention, prayer for bail may be considered.

Mr. Parasar, learned Additional Public Prosecutor has produced the case diary and opposed in granting bail to the petitioner by stating that the petitioner is very much involved in connection with the alleged offence. He further submitted that the accused petitioner led the police to the bank of river from where one pistol and two rounds of live ammunitions and another 32 numbers of live ammunitions were recovered.

I have heard the learned counsel for both the parties also perused the case diary. It is true that due to the alleged incident, one person died and the mother of the deceased was also sustained grievous injury on her person. It is reported that the case is pending for submission of FSL report. It transpires that substantial part of investigation is completed.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Bajali**.

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Bajali without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant