

GAHC010180212024



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

Case No. : Bail Appln./2648/2024

SAJIDUL ISLAM
S/O ANOWAR HUSSAIN
R/O VILL- BHERALDI
P.O. BHERALDI, KEOTKUCHI
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B HUSSAIN, MR. A K HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

11.09.2024

1. Heard Mr. A. K. Hussain, learned counsel for the petitioner Sajidul 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 23.07.2024 in connection with Hatigaon P.S. Case No. 162/2024 registered under Section 379 of the IPC.

3. Heard Mr. P. S. Laskar, learned Additional Public Prosecutor, Assam for the respondent State.

4. Case Diary is not received. Learned Additional Public Prosecutor has raised objection stating that this is a serious offence of motorbike theft and bail cannot be granted without perusal of the Case Diary.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and a false case has been slammed against him.

6. I have considered the submissions at the Bar that the allegation against the petitioner is that he had committed theft of a motorcycle. I have also considered the length of detention. Investigation may have presumably progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation.

7. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions if, imposed upon him.

8. Considering all aspects, 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, and

(ii) The petitioner shall not leave the jurisdiction

of the Court without prior permission.

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

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

JUDGE

Comparing Assistant