

GAHC010181522024



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

Case No. : Bail Appln./2674/2024

AMIR ALI @ KALIA
S/O IBRAHIM ALI, VILL- CHUKABAHI, P.S.-DALGAON, DIST- DARRANG,
ASSAM, PIN-784514. P/R/A 2 NO. MATHGHARIA, SRINAGAR, P.S.-
NOONMATI, GUWAHATI CENTRAL, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD. A HUSSAIN, MR. K ALOM, MR. T ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-09-2024

Heard learned counsel Mr. A. Hussain, for the petitioner Amir Ali @ Kalia, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 22.08.2024 in connection with Noonmati Police Station Case No. 177/2024

under Sections 331(3)/305(a) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he is the miscreant who has committed theft from the house of Smt. Rubi Deka. One gold chain with locket, a pair of gold bangles, one gold ring, cash of Rs.4500/- (Rupees Four Thousand Five Hundred) and utensils have been stolen from the house of the informant.

4. It is submitted on behalf of the petitioner that only utensils were found from the petitioner's house. The petitioner has not committed theft of gold articles or cash.

5. Learned Additional Public Prosecutor has raised serious objection stating that Case Diary will reveal if the petitioner is complicit.

6. I have considered the submissions at the bar with circumspection. I have considered the length of detention. It appears that further custodial detention may not be required for the progress of investigation. The petitioner has pledged to cooperate with the remaining part of investigation and to abide by any stringent bail conditions if imposed upon him.

7. Considering all aspects, petition is allowed. The petitioner is 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 Chief Judicial Magistrate, 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 on every fortnight till completion of investigation and,

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

9. In terms of the above observations, this Bail Application stands disposed of.

JUDGE

Comparing Assistant