

GAHC010182672024



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

Case No. : Bail Appln./2693/2024

REZZAK MALLIK AND ANR
S/O LATE BILLAL MALLIK @ BILAL MALLIK
R/O VILL- PAZAR BHANGA
P.O. BARGHOL, P.S. BARPETA
DIST. BARPETA, ASSAM
PIN-781302

2: RAJIBUL MALLIK
S/O BILLAL MALLIK @ BILLAK ALI
R/O VILL- PAZAR BHANGA P.O. BARGHOL
P.S. BARPETA
DIST. BARPETA
ASSAM
PIN-78130

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 ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

17.09.2024

Heard Mr. A.K. Hussain, the learned counsel appearing for the petitioners. I have also heard Ms. S.H. Bora, the learned Addl. Public Prosecutor, Assam.

2. This is the second bail application under Section 483 of the BNSS, 2023 whereby the petitioners Rezzak Mallik and Rajibul Mallik have prayed for releasing them on bail after their arrest in connection with Sipajhar P.S. Case No.102/2024, registered under Section 392 of the Indian Penal Code.

3. The allegations brought against the present petitioners is that on the day of occurrence, they had looted a truck bearing Registration No.AS-01-HC-4341. They had taken away goods worth lakhs of rupees.

4. Since there were incriminating materials against the present petitioners in the case diary, their earlier bail application was rejected by this Court.

5. Mr. Hussain has submitted that the petitioners have already spent 70 days in judicial custody. According to Mr. Hussain, the period of detention already undergone by them should be taken as a ground for releasing them on bail.

6. I have also heard Ms. Bora. She has submitted that the investigation is still going on and some persons are yet to be arrested.

7. I have considered the submissions made by the learned counsel of both sides in the light of the materials available in the case record.

8. This Court is of the opinion that the period of detention already undergone by

the petitioners, deserve them to be released on bail. Accordingly, the bail prayer of the petitioners is allowed.

9. It is hereby directed that the petitioners Rezzak Mallik and Rajibul Mallik who was arrested in connection with Sipajhar P.S. Case No.102/2024, registered under Section 392 of the Indian Penal Code, are allowed to go on bail of ₹25,000/- each with sureties of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (S), Darrang, Mangaldai.

The bail application is disposed of accordingly.

JUDGE

Comparing Assistant