

GAHC010185762024



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

Case No. : Bail Appln./2722/2024

SHAHADOT ALI
S/O LATE TOFIZUDDIN
R/O VILL- SADULLAHBARI, P.S. MANKACHAR,
IN THE DISTRICT OF SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19.09.2024

Heard learned counsel Mr. S. Nawaz for the petitioner Shahadot Ali, who has
filed this application under Section 483 of the BNSS, 2023 with prayer for bail as

he is behind bars since 26.06.2024 in connection with Mankachar P.S. Case No. 139/2024 under Sections 120(B)/302/34 IPC.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.

Learned Additional PP has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.

3. The allegation against the petitioner is that he along with his family members including his brother and nephew committed murder of his second wife Rashida Khatun and thereafter, he staged the scene of dacoity.

4. It is submitted on behalf of the petitioner that the petitioner has cooperated with the investigation and he was behind bar for 85 days. It is submitted that the petitioner is willing to cooperate with the remaining part of investigation. The petitioner is not a flight risk as he is a local resident. The petitioner is willing to abide by any stringent bail conditions if imposed upon him.

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

6. It appears that further custodial detention may not be required for the progress of investigation. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. I have considered the submission of the petitioner that he is willing to cooperate with the investigation.

7. Considering all aspects and considering the submissions, petition is allowed.

The petitioner is enlarged on bail on Rs. 50,000/- with the suitable surety of like amount to the satisfaction of the learned CJM, South Salmara, Mankachar under the conditions that the:

(i) The petitioner shall cooperate with the remaining part of investigation and appear before the I.O. on every fortnight till completion of investigation.

(ii) The petitioner shall not exercise threats to the witnesses or tamper with the evidence, and

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

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

8. Send back the Case Diary.

JUDGE

Comparing Assistant