

GAHC010186392024



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

Case No. : Bail Appln./2773/2024

RAHIM ALI AND 3 ORS
S/O SUKCHAN ALI, VILL- HABLAKHA, P.S.-HAJO, DIST- KAMRUP, ASSAM

2: RABIYAL ALI
S/O LALCHAN ALI
VILL- BAKRIKUCHI
P.S.-MUKALMUA
DIST- NALBARI
ASSAM

3: JABED ALI
S/O CHANBOR ALI
VILL- BHANGNAMARI
P.S.-MUKALMUA
DIST- NALBARI
ASSAM

4: BADARUDDIN
S/O CHATTER
VILL- KURIKAMARI
BORCHULIYA
P.S.-MUKALMUA
DIST-NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD. K RAHMAN, MR. N. ISLAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

16.09.2024

1. Heard Md. K. Rahman, learned counsel for the petitioners, namely, (i) Rahim Ali, (ii) Rabiya Ali, (iii) Javed Ali, and (iv) Badaruddin.
2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as petitioner Nos. 1, 2 and 3 are behind bars since 05.08.2024 and petitioner No. 4 is behind bars since 07.08.2024 in connection with Bongaigaon P.S. Case No. 188/2024 registered under Section 380 of the IPC. corresponding to GR Case No. 319/2024.
3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioners is that they are involved in committing theft from the shop of the informant. It is alleged that they have committed theft of liquor and cash from the cash box.
5. Learned Additional Public Prosecutor has raised objection stating that the offence committed by the petitioners are of grave nature. It is submitted on

behalf of the petitioners that petitioner Nos. 1, 2 and 3 are behind bars for 42 days and petitioner No. 4 is behind bars for 40 days.

6. I have considered the submission that further custodial detention may not be required for the progress of investigation as it appears that investigation may have presumably progressed to a considerable extent. The petitioners have pledged to co-operate with the remaining part of investigation and to abide by any stringent bail conditions if, imposed upon them.

7. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the learned CJM, Bongaigaon under the conditions that:

- (i) The petitioners shall refrain from such activities with which they are alleged,
- (ii) The petitioners shall not jump the bail, and
- (iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

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

JUDGE

Comparing Assistant