

GAHC010186552024



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

Case No. : Bail Appln./2743/2024

MAHMUDUL HASSAN @ MAHMUDUL HUSSAIN AND ANR
S/O AYNAL HOQUE, R/O BATABARI, P.S.-BAGUAN, DIST- GOALPARA,
ASSAM

2: PHULCHAND ALI @ FULCHAN ALI
S/O AZIZUL RAHMAN
R/O BATABARI
P.S.-BAGUAN
DIST- GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR A RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

12.09.2024

1. Heard Mr. S. Munir, learned counsel for the petitioners namely, (i) Mahmudul Hassan, and (ii) Phulchand Ali @ Fulchan Ali.

2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 21.08.2024 in connection with Hatigaon P.S. Case No. 148/2024 registered under Section 303(2) of the BNS.
3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioner is that they had committed theft of motorcycle. The petitioners have been shown arrested in connection with this case. The petitioners have prayed for bail on the ground of parity as the co-accused have been enlarged on bail.
5. Learned Additional Public Prosecutor has raised objection stating that the offence committed by the petitioners are of grave nature and the bail petition cannot be considered without the perusal of Case Diary.
6. I have considered the submissions that the petitioners are willing to co-operate with the remaining part of investigation and to abide by any stringent bail conditions if, imposed upon them. The petitioners are local residents and they are not flight risks.
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, Kamrup,(M) under the conditions that:
 - (i) The petitioners shall co-operate with the remaining part of the investigation and appear before the Investigating Officer on every fortnight till completion of investigation,

(ii) The petitioners shall refrain from such activities with which they are alleged, 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