

GAHC010189892024



2024:GAU-AS:10060

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

Case No. : Bail Appln./2794/2024

AFJAL HOQUE AND ANR
S/O LATE TARA MIYA
R/O VILL- GANBINNA,
P.S. ABHAYAPURI, DIST. BONGAIGAON, ASSAM

2: AJAHAR ALI
S/O RIYAJ UDDIN
R/O VILL- AOLAGURI
P.S. MANIKPUR
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.10.2024

Heard Mr M Khan, learned counsel for the petitioners, 1) Afjal Hoque and 2) Ajahar Ali, who have filed this application under Section 483 of the BNSS, 2023, with prayer for bail as they are behind bars since 07.09.2024, in connection with Manikpur PS Case

No. 114/2024, registered under Section 303(2) of the BNS, 2023

2. Heard Mr D Das, learned Additional Public Prosecutor for the State of Assam, who has submitted that there are incriminating materials in the Case Diary against the petitioners.

3. The allegation against the petitioners is that they have committed theft of a mixture lift machine at Bechimari Souk.

4. I have also scrutinized the Case Diary.

5. There are indeed incriminating materials in the Case Diary, against the petitioners.

6. As investigation has progressed to a considerable extent, I deem it appropriate to grant bail to the petitioners, as it appears that further custodial detention may not be required.

7. Accordingly, the petitioners are enlarged on bail of Rs. 30,000/- (Rupees Thirty Thousand Only) each, with a suitable surety each of the like amount to the satisfaction of learned CJM, Bongaigaon, under the conditions that-

i) the petitioner shall refrain from such activities with which he is alleged,

ii) the petitioner shall appear before the IO on every fortnight, till completion of investigation, and,

ii) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

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

8. Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant