

GAHC010198722024



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

Case No. : Bail Appln./2891/2024

SAHAR UDDIN ALI @ SAHAR UDDIN
S/O MUNNAF ALI
VILL- KAURAHATI
P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN, MS. P AHMED,N. UDDIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

23.09.2024

1. Heard Mr. M. I. Hussain, learned counsel for the petitioner Sahar Uddin Ali @ Sahar Uddin.
2. The petitioner has filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 05.08.2024 in connection with Bongaigaon P.S. Case No. 188/2024 registered under Section 380 of the IPC.

3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioner is that he is involved in committing theft from the shop of the informant. It is alleged that he has 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 is behind bars for 50 days.
6. It is submitted on behalf of the petitioner that he has approached the learned Trial Court but the Trial Court has rejected the bail petition of the petitioner.
7. 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 petitioner has pledged to co-operate with the remaining part of investigation and to abide by any stringent bail conditions if, imposed upon him.
8. Considering all aspects, petition is allowed. The petitioner shall be enlarged

on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Bongaigaon under the conditions that:

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

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

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

JUDGE

Comparing Assistant