

GAHC010201572024



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

Case No. : Bail Appln./2947/2024

MD SHAHJAMAL SHEIKH AND ANR
S/O LATE SAHABUDDIN SHEIKH, R/O VILLAGE DHUBRI JHAGRAPAR
PART-3, HOUSE NO. 320, PS AND DISTRICT DHUBRI, ASSAM

2: MD SOFIUR ISLAM
S/O MD AINAL HOQUE
R/O VILLAGE PURAN BASTI
AMGURI WARD NO.3
PS BIJNI
DISTRICT CHIRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR A BASUMATARY, MR. M M ZAMAN, MR N AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 08-10-2024

Heard Mr. N J Dutta, learned counsel for the petitioners and Mr. M.P. Goswami, learned Addl. PP, Assam appearing for the state respondent.

This application under section 483 of the BNSS, 2023 is preferred

by accused, namely, **1. Md. Shahjamal Sheikh & 2. Md. Sofiur Islam** who were arrested on 30.08.2024 in connection with **Azara PS Case No.176/2024** under sections **316(3)/303(2) of BNS, 2023**.

The case diary called for is received.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. There is no legal evidence against the present petitioners to connect them with the alleged offence. The learned Counsel further submits that the conclusion of trial will take sufficient time and on the aforesaid grounds, prayer is made to release the petitioners on bail.

The learned Addl. PP has vehemently objected to the prayer for bail.

Perused the case diary.

It is seen that the investigation has substantially been progressed and the accused had thoroughly been interrogated. The petitioners are in custody since 30.08.2024.

Considering the facts and circumstances of the case and the period of detention, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention of the petitioners may be required. Accordingly, the present application is allowed.

It is directed that the petitioners, above named, in connection with the aforementioned case be released on bail on furnishing a bond of Rs.1,00,000/- each (Rupees one lakhs) with one solvent surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with the following conditions:

- I. The petitioners shall appear before the Officer-in-Charge of the concerned PS every fifteen days from today;

II. The petitioners shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

III. The petitioners shall not hamper with the investigation of the case and tamper with the evidence of the case;

IV. The petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant