GAHC010204222024

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

Case No. : Bail Appln./2994/2024

HAFIZUR RAHMAN MANDAL @ HAFIJUR RAHMAN
S/O ANAR ALI MANDAL, R/O VILL- BILASHPUR, P.S.-KAJALGAON, DIST-CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.09.2024

1. Heard Mr. M. Khan, learned counsel for the petitioner Hafizur Rahman Mandal @ Hafijur Rahman.

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

02.09.2024 in connection with Manikpur P.S. Case No. 121/2024 registered under Sections 304 read with Section 61(2)/112(20/125(2) of the BNS.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner is a habitual offender and a history sheeter. The offence as alleged in the other case is also a similar offence of bag snatching.

5. Learned counsel for the petitioner has submitted that the petitioner has been thoroughly interrogated and custodial detention may not be required for the progress of investigation in the garb of punitive detention.

6. I have considered the submission at the Bar with circumspection.

7. It appears that investigation may have progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation. I t appears that bail may be granted to the petitioner as the petitioner is willing 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, and

(ii) 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