

GAHC010204232024



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

Case No. : Bail Appln./2995/2024

MD AMIR ALI
S/O IBRAHIM ALI, VILL- CHUKABAHI, P.S.-DALGAON, DIST- DARRANG,
ASSAM, PIN-784514

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD. A HUSSAIN, J RAHMAN,MR. T ISLAM,MR. K ALOM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.09.2024

1. Heard Md A. Hussain, learned counsel for the petitioner Md. Amir Ali.
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 11.09.2024 in connection with Mangaldai P.S. Case No. 119/2024 registered

under Sections 454/380 of the IPC.

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 history sheeter and he has committed house trespass in not one but in several instances. He has several antecedents, and bail may not be granted to the petitioner as the petitioner is not entitled to bail.

5. I have considered the submissions at the Bar with circumspection. It is true that the petitioner was earlier arrested in connection with another case as he was shown arrested in connection with this case.

6. I have considered the length of detention as the petitioner has been behind bars for more than 20 days in connection with this case and since he was arrested in an earlier case, he is behind bars for more than 40 days.

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. It appears that bail may be granted to the petitioner.

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, Darrang, Mangaldai 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