

GAHC010218092024



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

Case No. : AB/2798/2024

SOMER ALI
S/O ABUL HUSSAIN
R/O VILL- JOYPUR,
TARAKANSDI, KALGACHIA,
DIST. BORPETA, ASSAM
PIN-781321

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR A DEKA, MR P SONOWAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 07.11.2024

Heard Mr.S. Das, learned counsel appearing for the petitioner. Also heard Mr. Bankim Sarma, learned Additional P.P. for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Kalgachia P.S.

Case No. 63/2024.

3. On 25.05.2024, the 43 year old deceased Ainal Hoque Mandal went missing. Next day, some articles belonging to him was recovered by the side of the river. On 29.05.2024, his dead body was found floating in the river. It was noticed that his hands and feet were tied with a plastic rope and the neck was tied with a piece of cloth.
4. The case diary reveals that there are no sufficient materials against the petitioners the petitioner to justify his custodial interrogation.
5. I have considered the submissions made by the learned counsels of both sides.
6. This Court is of the opinion that for the aforesaid circumstances, the present petitioner does not deserve to be detained in custody. Therefore, his pre-arrest bail application is allowed.
7. It is hereby directed that in the event of arrest in connection with Kalgachia P.S. Case No. 63/2024, the petitioner, Somer Ali shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.
8. The petitioner shall appear before the Investigating Officer within next 7 (seven) days from today.
9. With the aforesaid directions, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant