

GAHC010218592024



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

Case No. : Bail Appln./3195/2024

FARUK HUSSAIN
S/O AYEBOR RAHMAN
VILL- PIYALIKHATA
P.S. CHANGSARI
DIST.KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM, MS S ISLAM, MS N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 25.10.2024

Heard Ms. T.Som, learned counsel appearing for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner, Faruk Hussain, after he was arrested in connection with Baihata Chariali P.S. Case No.259 /2024 under Sections 126(2)/309(6)/3(5) of the BNSS, 2023.

3. On the day of occurrence, a truck bearing registration No. AS-25-FC 1400 was carrying 36 numbers of cows. When the vehicle reached Salmara, it was stopped by a Tata Punch vehicle. 5 persons came out of the side vehicle and assaulted the driver and the handyman. Those unknown persons allegedly demanded a sum of Rs. 2 lakhs. Because of that, Rs. 50,000/- was credited to the account of Saidul Islam by the owners of the vehicle through the driver of the vehicle.
4. The case diary reveals that unknown persons were taking the name of the present petitioner while they were talking to each other.
5. Ms. Som has submitted that in that area because of rise in theft of cows, the people of that locality often stopped the vehicles carrying cows.
6. I have considered the submissions made by the learned counsels of both sides in the light of the materials available in the record.
7. The petitioner has already spent 25 days in judicial custody.
8. This Court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody for any further period of time. Therefore, his bail application is allowed.
9. It is hereby directed that the petitioner, Faruk Hussain, who was arrested in connection with Baihata Chariali P.S. Case No.259 /2024 shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Rangia.
10. This bail application stands disposed of accordingly.
11. The CD shall be returned.

JUDGE

Comparing Assistant