

GAHC010219492024



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

Case No. : Bail Appln./3216/2024

JASHIM UDDIN LASKAR
S/O LT. LALAL UDDIN LASKAR, RESIDENT OF VILL-BARNAGAD, P.O.
KALIBARIBAZAR, P.S. ALGAPUR, DIST.- HAILAKANDI (ASSAM), PIN-788150

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS B DEVI, MS. S BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

11/11/2024

Heard Ms. B Devi, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 439 of the Cr.P.C. (New Section 483 BNSS) has been filed by the petitioner, namely, **Jashim Uddin Laskar**, son of Late Jalal Uddin Laskar, resident of Village-Barnagad, P.O. Kalibaribazar, P.S. Algapur, District-Hailakandi, seeking bail in **Silchar P.S. Case No.**

1935/2023 registered under Sections 379 IPC (Section New 303 BNS) corresponding to G.R. No. 3650/2023, wherein he was arrested on 11.09.2024 and is in custody since then.

3. As per the FIR dated 10.10.2023 lodged by one Kiran Kumar Singha before the Officer-in-Charge of Silchar Police Station (Sadar), the case is that on the night of 09.10.2023 around 10 PM, his motor cycle bearing registration No. AS-11-N-3256 with Chassis No. ME3U3S5C1HL541410, Engine No. U3S5CIHL616487 and Model Classic 350, colour-Lagoon was stolen that he had parked near his house. Next day morning, when he woke up he did not find his said two wheeler and in spite of his search till 8 AM, he failed to find out his said bike. Accordingly, the said FIR of the informant was registered as Silchar P.S. Case No. 1935/2023 under Sections 379 IPC (Section New 303 BNS) corresponding to G.R. No. 3650/2023.

4. The petitioner submitted that he is no way connected with the theft of the said motor cycle that he had purchased from one Anowar Uddin Laskar by paying the price of the said motor cycle.

5. It is seen from the case records that police from Algapur Police Station on 09.09.2024 recovered the said stolen bike of the informant in an abandon condition. Accordingly, Algapur G.D. Entry was made. The petitioner was arrested on 11.09.2024 and is in custody since then.

6. It is seen that the petitioner arrested in connection with said Silchar P.S. Case No. 1935/2023 implicated one Anowar Uddin Laskar from whom he had purchased the said bike without knowing that it was a stolen two wheeler.

7. Charge-sheet in the case has already been filed on 19.09.2024 under Sections 379/411/413 IPC, wherein the petitioner has been shown to be the accused and said Anowar Uddin Laskar as the absconder accused.

8. Earlier the petitioner preferred a bail application before the Court of learned Sessions Judge, Cachar, Silchar, which was rejected by the learned Additional Sessions Judge No. 3, Cachar, Silchar on 03.10.2024.

9. Considering the above and since the stolen bike has already been recovered, this Court is of the view that further custodial detention of the petitioner is no longer required for trail of said **Silchar P.S. Case No. 1935/2023**. As such, this bail application of the petitioner in said Silchar P.S. Case is accepted.

10. Accordingly, the petitioner, namely, **Jashim Uddin Laskar**, be released on bail in said **Silchar P.S. Case No. 1935/2023** registered under Sections 379 IPC (Section New 303 BNS) corresponding to G.R. No. 3650/2023, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Sessions Judge, Cachar, Silchar, on conditions that the petitioner – **(i)** shall appear in the trial of the said Silchar P.S. Case No. 1935/2023 corresponding to G.R. No. 3650/2023 before the learned Trial Court on the date(s) fixed by it; **(ii)** shall not leave the territorial jurisdiction of the learned Sessions Judge, Cachar, Silchar, without obtaining prior written permission from the said authority; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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 and **(v)** shall not involve himself in any criminal activities, failing which, the bail granted to him in the aforesaid Silchar P.S. Case No. 1935/2023 shall stand automatically vacated.

11. Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant