

GAHC010225632024



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

Case No. : Bail Appln./3325/2024

ALTAB UDDIN
S/O LATE MASSDDAR ALI,
RESIDENT OF VILLAGE DURLABPUR, NEAR HATKHOLA, PS
PATHARKANDI, DIST KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
PP ASSAM

Advocate for the Petitioner : MR S DAS, P J DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20.11. 2024

1. Heard Mr. S. Das, learned counsel for the petitioner, **Altan Uddin**.
2. The petitioner has filed this bail application under Section 483 of BNSS, 2023, with prayer for granting bail as he is behind bars since 03.10.2024 for last 49 days in connection with Patharkandi P.S. Case No. 297/2024 (Corresponding to G. R. Case No. 1794/2024) under Sections 61(2)/ 103(1)/ 238 of BNS, 2023.

3. Also heard Mr. K.K. Das, learned Addl. Public Prosecutor for the State respondent.
4. The allegation against the petitioner is that he is involved in the murder of one Abdul Hussein.
5. It is submitted on behalf of the petitioner that the petitioner has been arrested in connection with this case only on suspicion, as he asked two persons to remove the dead body from the railway track as the dead body was lying on the railway track. The petitioner has no previous criminal antecedent and he is about 65 years of old and he is arrested only on suspicion.
6. Learned Addl. P.P. has raised objection only on the ground that this is a case of homicide.
7. I have considered the submissions at the bar with circumspection.
8. I have also considered the length of detention and the progress of investigation.
9. I have scrutinized the case diary. However, further custodial detention may not be required for the purpose investigation. I have considered the submission that the petitioner will abide by any stringent bail condition, if imposed on him and he will co-operate with the investigation. The investigation has progressed to a considerable extent.
10. Considering entire aspect of the matter, petition is allowed.
11. In view of the above and considering the length of detention, the petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned, Chief Judicial Magistrate, Karimganj in connection with the aforesaid case under

the following conditions that:-

- (1) the petitioner shall refrain from such activities with which he is alleged,
- (2) the petitioner shall not jump the bail and shall appear before the I.O. in every fortnight,
- (3) the petitioner shall not leave the jurisdiction of the Court without prior permission from the Court.

12. On breach of any of the bail conditions, the jurisdictional court shall be at liberty to immediately cancel the bail granted to the petitioner.

13. Bail application stands disposed.

14. Return the case diary.

JUDGE

Comparing Assistant