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

Case No. : Bail Appln./3324/2024

LUKUS ALI
S/O LATE MATOSIN ALI, R/O VILL- RUPAGOOOL, P.O.-GHULCHERA, P.S.-
NILAMBAZAR, DIST-KARIMGANJ (ASSAM), PIN-788720

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K H KHANDAKAR, MS N J BEGUM,MR. K M HASSAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.12.2024

Heard Mr. TJ Mahanta, learned Senior Counsel assisted by Mr. K.M.Hassan learned counsel appearing for the petitioner as well as Mr. D. Das, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application u/s 483 of the BNSS, 2023, whereby the petitioner, namely, Lukus Ali has prayed to release him on bail, after he was arrested in connection with Nilambazar P.S. Case No. 185/2024.

3. The deceased Abad Uddin had gone to Mizoram to do business of vegetables. He was accompanied by the present petitioner and some other persons. After some days, the father of the deceased called him over phone, but his phone was found switched off. Thereafter, another person called Jamal Uddin showed some photographs to the father of the deceased showing the dead body of Abad Uddin. Thereafter, the father of Abad Uddin lodged an FIR before the petitioner alleging that he suspected that the present petitioner and two other persons might be involved in the said offence.

4. Mr. Das has submitted that the deceased died because of the injuries caused on his head by sharp weapon. Apart from that, there are no incriminating materials against the present petitioner.

5. I have considered the submissions made by the learned counsels of both sides.

6. The petitioner has spent 85 days of detention. Considering all these facts, this Court is of the opinion that the petitioner no longer deserves to be detained in custody.

7. Therefore, the present bail application of the petitioner is allowed

8. The petitioner, namely, Lukus Ali, who was arrested in connection with Nilambazar P.S. Case No. 185/2024, shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj.

9. The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant