

GAHC010232752024



2024:GAU-AS:11776

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

Case No. : Bail Appln./3402/2024

SIDDIK ALI
S/O LT. NAIB UDDIN, VILL- BORGHULI, P.S.-DALGAON, DIST- DARRANG,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD. A HUSSAIN, MR. T ISLAM, MR. K ALOM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27-11-2024

Heard Mr. A. Hussain, learned counsel for the petitioner Siddik Ali, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 02.10.2024 in connection with Dalgaon Police Station Case No. 205/2024 under Sections 142/310(2) of Bhartiya Nyaya Sanhita, 2023.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for respondent State, who has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. The petitioner is complicit and the offence is of a grave nature.

3. The allegation against the petitioner is that he along with three others have forcefully picked up the informant in a vehicle from the Car Dealer and detained him in the house of Sarowar Alom and physically assaulted him with intent to eliminate him and cause grave injuries on his person and snatched away Rs.1,60,000/- (Rupees One and Lac Sixty Thousand) from him.

4. I have considered the submissions at the bar with circumspection. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. Investigation has progressed substantially. It appears that further custodial detention may not be required. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions if imposed upon him.

5. Considering all aspects, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction learned Chief Judicial Magistrate, Mangaldoi, Darrang under the conditions that :

- (i) the petitioner shall refrain from such activities with which he is alleged,*
- (ii) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation,*
- (iii) the petitioner shall not exercise threats to the witnesses and tamper with*

the evidence and,

(iv) the petitioner shall not leave the jurisdiction of the Court without prior permission.

6. On breach of any of the bail conditions, the learned trial Court is at liberty to cancel the bail granted to the petitioner.

7. In terms of the above observation, this Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant