

GAHC010237682024



2024:GAU-AS:11686

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

Case No. : Bail Appln./3471/2024

ABDUL HASEN
S/O ABUL KASEM
VILL- NO. 3 KACHARIVETITOP
P.S. DALGAON,
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : TUN RAJKHOWA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

26.11.2024

Heard learned counsel, Ms T Rajkhowa, for the petitioner, Abdul Hasen, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 24.10.2024, in connection with Dalgaon PS Case No. 210/2024,

corresponding to GR Case No. 928/2024, under Sections 109(1)/118(1)/3(5) of the BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State respondent.

3. I have considered the submissions at the Bar with circumspection.

4. I have also scrutinized the Case Diary.

5. Indeed, there are incriminating materials in the Case Diary against the petitioner.

6. The allegation against the petitioner is that he has thrust a dagger into his brother's abdomen, with an attempt to eliminate him, but on the intervention of the villagers and as he tried to ward off the attack, the injured person somehow managed to save himself from any fatal injuries.

7. A scrutiny of the Case Diary reveals that investigation has progressed substantially.

8. I have considered the submission that further custodial detention may not be required for the progress of investigation.

9. I have also considered the submission that the petitioner is willing to abide by any conditions, if imposed upon him. The petitioner is a local resident and he is not a flight risk.

10. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the learned

CJM, Mangaldoi, 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 agency on every fortnight, till completion of investigation, and
- iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

11. On breach of any of the bail conditions, the jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioner.

12. Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant