

GAHC010238692024



2024:GAU-AS:11167

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

Case No. : Bail Appln./3490/2024

SABIRAN NESSA
W/O LATE KADAR ALI, R/O GOROIMARI, P.S. HOWLY, DISTRICT BARPETA,
ASSAM,
PIN-781316

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD S ALI, MR M RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.11.2024

1. Heard Md. S. Ali, learned counsel for the petitioner Sabiran Nessa.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 05.11.2024 in connection with Paltanbazar P.S. Case No. 390/2024 under

Section 307 of the BNS.

3. Heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has raised serious objection stating that the bail petition cannot be considered without the perusal of Case Diary. The offence alleged against the petitioner is of a serious nature.
5. I have considered the submissions at the Bar.
6. The allegation against the petitioner is that the informant along with her daughter were to board a bus, when the petitioner snatched away the informant's bag containing a sum of Rs. 15,000/-. However, after pursuing the petitioner, the informant and her daughter were able to recover the bag that was snatched away from them, but Rs. 15000/- was found missing. When the petitioner was apprehended, public gathered and thereafter the petitioner was forwarded to custody and Rs. 3080/-, was recovered from the possession of the petitioner. The petitioner was accompanied by other women who were also complicit and they helped the petitioner in snatching away the bag.
7. I have considered the submission on behalf of the petitioner that the petitioner is willing to co-operate with the remaining part of investigation. The petitioner is a local resident and she is not a flight risk.
8. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup(M) under the conditions that:

- (i) The petitioner shall refrain from such activities with which she is alleged,

(ii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and

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

9. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant