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

Case No. : Bail Appln./3568/2024

RIAJUL ISLAM
S/O- LATE ABDUL MALIK, R/O- VILL.- SAMARALI BAZAR, P.S. MURAJHAR,
DIST. HOJAI, ASSAM, PIN- 782435

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. F A HASSAN, MS. U NANDA, MR. P S
BISWAS, MS. R DEVI, P SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28.11.2024

Heard Mr. S C Biswas, learned counsel for the petitioner and Mr. B Sarma, learned
Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Rijaul
Islam**, Son of Late Abdul Malik, resident of village Samarali Bazar, Police Station-Murajhar,
District-Hojai, is praying for his bail in **Howraghat Police Station Case No. 23/2023**,

corresponding to G.R. No. 185/2023, registered under Section 379 of the IPC, wherein, he was arrested on 06.11.2024 and is in custody since then.

3) As per the FIR dated 19.05.2023 lodged before the Officer-in-Charge, Howraghat Police Station, District-Karbi Anglong by the complainant, the case is that on 18.05.2023 at about 11:30 PM, a Pulsar NS160 Motorcycle bearing Chasis No. MD2B54DX3PCA07023 and Engine No. PDXCPA59558, but without any number plate, was stolen from his house.

4) Accordingly, the said FIR was registered as Howraghat P.S. Case No. 23/2023 under Section 379 of the IPC.

5) Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam.

6) It is seen from the case diary that the bike of the complainant, stolen from his house on the night of 18.05.2023 in said Howraghat P.S. Case No. 23/2023 was recovered by police from the possession of the petitioner at Samarali Bazaar under Murajhar Police Station of Hojai district.

7) Considering the materials in the case diary and the period of his detention in custody since 06.11.2024, the Court is of the view that petitioner's further custodial detention in said Howraghat P.S. Case No. 23/2023 is not warranted for investigation of the said case. As such, this bail application of the petitioner, namely, **Rijaul Islam**, in said Howraghat P.S. Case No. 23/2023 is accepted.

8) Accordingly, the petitioner, namely, **Rijaul Islam**, be released on bail in said Howraghat P.S. Case No. 23/2023 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Hojai subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Howraghat P.S. Case No. 23/2023 on every Monday, commencing from 09.12.2024 during daytime, for the next 2 (two) English calendar months and/or till filing of the charge-sheet in the

case, whichever is earlier.

ii) shall not leave the territorial jurisdiction of said Howraghat Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer and;

v) shall not involve himself in any criminal activities in the future.

9) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Rijaul Islam**, the bail granted to him in said Howraghat P.S. Case No. 23/2023 shall stand automatically vacated.

10) This bail application accordingly stands allowed.

11) Return the Case Diary herewith.

JUDGE

Comparing Assistant