

GAHC010257192023



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

Case No. : Bail Appln./4220/2023

SANIDUL ISLAM
S/O- HANIF UDDIN, R/O- BORPOOL NEW COLONY NEAR SIVA MANDIR,
P.S. AND DIST.- JORHAT ASSAM, PERMANENT ADDRESS- VILL- GARALI
PAM, P.S. KALGACHIA, DIST.- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. S A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.01.2024

Heard Mr. S. A. Ahmed, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Sanidul Islam*, who has been detained behind the bars since 27.10.2023 (for last 76 days) in connection with Jorhat

P.S. Case No. 492/2023 under Sections 354/326/307/34 of Indian Penal Code.

The gist of accusation in this case is that on 25.10.2023, one Munu Das Choudhury had lodged an FIR before the Officer-in-Charge of Jorhat Sadar Police Station, *inter alia*, alleging that when the son of the first informant went to see Durga puja at Gar Ali near V-Mart at Jorhat, some unknown youths had teased the friend of the son of the first informant and they also assaulted the son of the first informant with knife due to which the son of the first informant received severe injuries.

Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars for last 76 days and, in the meanwhile, the other co-accused persons have already been granted bail by the learned Sessions Judge, Jorhat.

On the other hand, learned Additional Public Prosecutor has submitted that though the case diary was called for, however, same has not yet arrived and prays for another date for producing the same.

The learned Additional Public Prosecutor has also submitted that no reason has been shown by the Investigating Officer for not sending the case diary.

Considering the fact that in spite of repeated reminders, the case diary has not been sent consecutively for last four occasions and, in the meanwhile, other co-accused persons have already been released on bail and considering the period of detention already undergone by the present petitioner, his further custodial detention does not appear to be necessary, if he otherwise cooperates in the investigation.

In view of the above, the petitioner, namely, *Sanidul Islam* is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one

surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Jorhat subject to the following conditions:-

- (i) That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant