

GAHC010261602023



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

Case No. : Bail Appln./4236/2023

SHAHJAHAN ALI
S/O NAZIMUDDIN,
VILL.- LOPTACHAR, DUBAPARA, P.S.- MARNOI, DIST.- GOALPARA,
ASSAM.

VERSUS

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

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05.01.2024

Heard Mr. A.M. Khan, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Shahjahan Ali**, seeking bail, who was arrested on 23.03.2023 in connection with Sessions Case No. 205/2023 under Sections 302/201/34 IPC,

pending in the Court of the learned Addl. Sessions Judge, Goalpara.

It is submitted by the learned counsel for the petitioner that the petitioner was arrested on 23.03.2023 and since then he has been languishing in judicial custody for last 288 days. His name has not been mentioned in the FIR but subsequently, charge sheet was submitted showing the name of the petitioner as absconder. The trial is going on and the informant was examined but he did not state anything against the petitioner about his involvement. Considering the period of detention, the petitioner may be enlarged on bail.

Learned Addl. P.P. has submitted that as the charge sheet has been submitted showing the petitioner as absconder, thereafter he was arrested and the charge has been framed, considering the period of detention, prayer for bail may be considered.

I have perused the scanned copy of the LCR.

It reveals that the name of the petitioner was not mentioned in the FIR and the trial is going on. Out of 11 (eleven) witnesses, only two witnesses were examined.

In view of the above and considering the length of detention, prayer for bail is allowed.

Accordingly, it is directed that the accused/ petitioner above named, be released on bail in connection with Sessions Case No. 205/2023 under Sections 302/201/34 IPC, on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) with a suitable surety of the like amount to the satisfaction of the learned Addl. Sessions Judge, Goalpara.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of the learned Addl. Sessions Judge, Goalpara, without prior written permission from him/ her;

Learned Addl. Sessions Judge is at liberty to impose any other condition(s) as it deems fit and proper, to procure the attendance of the petitioner during trial.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant