

GAHC010267192024



undefined

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

Case No. : Bail Appln./3863/2024

PIAR JAHAN
S/O ABDUL BASED
VILL-KAMALPUR
P.S. KAMALPUR
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN, N. UDDIN, MS. P AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.12.2024

1. Heard Mr. M. I. Husaain, learned counsel for the petitioner, Piar Jahan who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 29.11.2024, in

connection with Bongaigaon Police Station Case No. 188/2024 under Sections 380 of the IPC.

2. Heard learned Additional Public Prosecutor, Mr. B. Sharma, Assam for the respondent State.

3. Learned Additional Public Prosecutor has raised serious objection stating that the bail petition cannot be considered without perusal of the Case Diary.

4. Learned counsel for the petitioner on the other hand has submitted that the co-accused have already been enlarged on bail. The petitioner is behind bars for 20 days. He has prayed for bail on the ground of parity and the length of detention.

5. I have considered the submission at the Bar with circumspection. The petitioner is a local resident and he is not a flight risk. The petitioner is willing to abide by any stringent bail conditions if imposed upon him.

6. Considering all aspects, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Bongaigaon 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 Officer on every fortnight till completion of investigation, and

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

7. On breach of any of the bail conditions, the learned Elaka Magistrate/Jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioner.
8. In terms of above observation, this Bail Application stands disposed of.

JUDGE

Comparing Assistant