

GAHC010274312023



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

Case No. : Bail Appln./4431/2023

SAHIDUL ISLAM @ SHOHIDUL ISLAM @ SWAHIDUL ISLAM@ SWAHIDUL
S/O ABU BAKKAR @ BAKKAR ALI
PRESENT ADDRESS-
VILL- DAKHIN KATIA MARI CHAR,
P.S. GOALPARA, ASSAM
PERMANENT ADDRESS-
VILL- RAM HARIR CHAR PART- II,
P.S. AND DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MAHIBUR RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.01.2024

Heard Mr. M. Rahman, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, 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, *Sahidul Islam @ Shohidul Islam @ Swahidul Islam@ Swahidul*, who has been detained behind the bars since 12.10.2023 in connection with Chapar P.S. Case No. 210/2023 under Sections 120B/304(B)/201 of the Indian Penal Code.

The gist of accusation in this case is that on 10.10.2023, one Azizul Islam had filed an FIR before the Officer-in-Charge of Chapar Police Station, *inter alia*, alleging that the petitioner who has been named as accused No. 1 in the FIR has killed the mother of the first informant and hanged her with a rope in an abandoned house of the accused No. 2 named in the FIR i.e., Bellal Ali.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been detained behind the bars for last 91 days and hence has already completed the statutory period of detention and on that ground alone he has prayed for allowing the petitioner to go on default bail.

On the other hand, learned Additional Public Prosecutor has submitted that the petitioner was arrested on 12.10.2023 and has already completed statutory period of detention and, therefore, he does not oppose the grant of default bail to the present petitioner.

In view of the materials available on record as well as considering the submissions made by learned counsel for both the parties, it appears that the petitioner has been detained behind the bars for last 91 days and, hence, has completed the statutory period of detention and, therefore, he is entitled to get default bail under Section 167(2) of the Code of Criminal Procedure, 1973.

Accordingly, the above named petitioner 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 SDJM(M), Bilashipara.

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

JUDGE

Comparing Assistant