

GAHC010278002023



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

Case No. : Bail Appln./4492/2023

MUZAMMIL HAQUE @ MOZAMUDDIN
S/O LATE ABDUL LATIF,
RESIDENT OF NIZ BISWANATH,
NEAR NA BAZAR ISLAMPUR MASJID, PS BISWANATH CHARIALI, DIST
BISWANATH, ASSAM 784177

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.01.2024

Heard Mr. N. Uddin, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Muzammil Haque @ Muzamuddin, who has been languishing in jail since 04.11.2023, in connection with ACB P.S. Case No.94/2023, under Section 7(a) of the P.C.

Act, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Ripu Chetia on 04.11.2023.

4. Mr. Uddin, learned counsel for the accused, submits that the accused is behind the bar for last 61 days and till date no charge-sheet has been submitted by the I.O. and as such, the accused is entitled to default bail as the mandatory period of detention for the offences allegedly committed by the accused is 60 days and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that the investigation has not yet been completed and no charge-sheet has been submitted till date.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and it appears that the accused was arrested on 04.11.2023 and he is languishing in jail hazot for last 61 days. The mandatory period of detention has already been completed and no charge-sheet has been submitted till date.

7. Therefore, this Court is of the view that the accused is entitled to default bail. Accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Special Judge, Assam, the accused be enlarged on bail.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant