

GAHC010288052023



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

Case No. : Bail Appln./4636/2023

SOFIKUL ISLAM @ SOFIQUL ISLAM
S/OLATE SAFER ALI
VILL- HAKAMA PT.I
P.O. AND P.S. BILASIPARA,
DIST. DHUBRI, ASSAM
PIN NO. 783348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR J ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-01-2024

- 1.** Heard Mr. J. Islam, learned counsel for the petitioner.
- 2.** The petitioner Sofikul Islam @ Sofiqul Islam has filed this application under 439 of the Code of Criminal Procedure, 1973 with prayer for bail in connection with Bilasipara Police Station Case No. 417/2023 registered under Section 25(1-A) Arms Act. The petitioner has been behind bars since 30.10.2023.
- 3.** Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of

Assam.

4. The FIR unfolds that on 30.10.2023 at about 1:41 PM by tip off a naka checking was held and two unknown boys were approaching from Beltoli by bike bearing Registration No. AS-16D/9359 and when they stopped the bike, the boys ran towards the paddy field. The investigating team pursued the boys and apprehended them and found one 7.66 Beretha pistol along with 3 rounds of bullets.

5. The learned Addl. PP has submitted that there are incriminating materials in the Case Diary against the petitioner.

6. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. I have considered the submission on behalf the petitioner that his co-accused has been released on bail vide Bail Appln. No. 4596/2023 vide order dated 19.01.2024 and he may also be released on bail on the ground of parity. I have also considered the fact that investigation has progressed to a considerable extent and this case may culminate into a charge-sheet soon. I have considered the submission that the petitioner is a local resident and he will co-operate with the trial.

7. 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 Special Judge, Bilasipara under the conditions that:-

- i. The petitioner shall cooperate with the investigation;
- ii. the petitioner shall not leave the jurisdiction of the Court without prior permission till completion of the investigation;
- iii. the petitioner shall not influence the witnesses or exercise threats to witnesses; and
- iv. the petitioner shall refrain from such activities with which he is alleged.

On breach of any of the bail conditions, bail order shall stand cancelled.

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant