

GAHC010289352023



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

Case No. : Bail Appln./4635/2023

RAFIKUL ISLAM
S/O ABDUL MAJIN SHEIKH
R/O VILL- BIDYAPUR
P.S. BANGAIGAON (SADAR)
DIST. BANGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.01.2024

Heard Mr. M. Hoque, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Rafikul Islam**, who has been languishing in jail hazot since 08.11.2023, in connection with the **Sipajhar P.S. Case No. 343/2023**, under Section 399 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Sasangka Kr. Saha, on 07.11.2023. The essence of allegations made in the FIR is that on 06.11.2023, he along with his team intercepted one vehicle bearing registration No. AS-01-X-8057, at Dumunichowki and thereafter, apprehended two persons namely, Sukhumuddin and Rafikul Islam, but, three occupants of the vehicle were fled away, who were identified later on as Sahidul Islam; Asraf; and Babu, and on search of the vehicle, sharp/deadly iron equipments were recovered from their possession, preparing seizure list in presence of the witnesses and during inquiry it has been found that they were preparing for commit Dacoity at ATM, Jewellery installation etc. under Sipajhar area.

4. Mr. Hoque, learned counsel for the accused submits that the accused has been languishing in jail hazot for last 58 days and that the accused is no way involved with the offence alleged in the FIR and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials in support of the allegations made in the FIR and that the investigation is going on and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused has been languishing in jail hazot for last 58 days. Further, it appears from the case diary that the I.O. has achieved

substantial progress in the investigation of the case.

8. Having considered the materials collected so far in the case diary and also considering the length of detention, this Court is of the view that further custodial detention of the accused seems to be unwarranted here in this case and accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **CJM, Darrang, Mangaldai**, the accused be enlarged on bail.

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

10. The case diary be returned.

Comparing Assistant

JUDGE