

GAHC010290492023



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

Case No. : Bail Appln./4663/2023

SAIDUR RAHMAN @ GELA
S/O JABBAR ALI
R/O VILL- OJAGAON, NO. 1 MAGURMARI
P.S. DHULA
DIST. DARRANG, ASSAM
VERSUS
THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22.02.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely, Saidur Rahman @ Gela, praying for regular bail, who was arrested on 02.03.2023 in connection with Sessions Case No. 109/2023 arising out of Jalukbari P.S. Case No. 219/2022, registered under Section 396 IPC added Sections 460/ 392/ 302 IPC.

Case diary as called for, is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the accused/ petitioner is behind the bar since 06.03.2023 and considering the length of detention undergone by the petitioner, his bail prayer may be considered. The charge has already been framed and the evidence of the informant is recorded wherein it is seen that the informant was present in the place of occurrence at the relevant time. The petitioner is a local resident and there is no chance of absconding or jumping over the bail.

In this Context, the learned Additional Public Prosecutor has submitted that there is serious allegation against petitioner and the I.O. has collected sufficient materials against him. Three witnesses have already been examined and the vital witnesses are yet to be examined by the trial court. He therefore raised objection to release the petitioner on bail.

After hearing the submissions of the learned counsel for the parties and considering the materials available in the case diary, I find that it is not a fit case to enlarged the petitioner on bail at this stage, as possibility of tempering the evidence of the case cannot be denied at this stage.

In view of the above, the prayer for bail is rejected.

In terms of the above, this bail application stands dismissed.

Return the case diary.

JUDGE

Comparing Assistant