

GAHC010291312023



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

Case No. : Bail Appln./4666/2023

MEHBUB HUSSAIN @ MEHBOOB HUSSAIN
S/O MUBARAK HUSSAIN R/O SINGIA PATHAR P.O DAGAON P.S. JURIA
DIST. NAGAON ASSAM

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 MALASRI NANDI

ORDER

Date : 05.01.2024

Heard Mr. J. Islam, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Mehbub Hussain @ Mehboob Hussain**, seeking bail, who was arrested on 17.11.2023 in connection with Rupahihat P.S. Case No. 435/2023

under Sections 120(B)/326/ 307/34 IPC read with Sections 25(1)(A)/27 of the Arms Act.

It is submitted by the learned counsel for the petitioner that the petitioner was arrested on 17.11.2023 and since then he has been languishing in jail hajat. Learned counsel for the petitioner also submits that the petitioner was not present at the time of incident and nothing was recovered from his possession. Only he was related with one from whom arms was recovered, the petitioner has been arrested. Considering the length of detention, the petitioner may be enlarged on bail.

The learned Addl. PP has produced the case diary and has submitted that arms was not recovered from the petitioner but from the possession of the friend of the petitioner.

I have perused the case diary.

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

Accordingly, it is directed that the accused/ petitioner above named, be released on bail in connection with Rupahihat P.S. Case No. 435/2023 under Sections 120(B)/326/ 307/34 IPC read with Sections 25(1)(A)/27 of the Arms Act on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) with 2 (two) suitable sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Nagaon, without prior written permission from him/ her;

(b) shall not hamper with the investigation and tamper with the evidence of the case; and

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant