GAHC010032992020

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

Case No. : Bail Appln. 436/2020

1:MD. ABDUL KARIM
S/O MD. ABDUL KASHIM, BALIKUCHI, P.S.-MUKALMUA, NALBARI, ASSAM, PIN-781126

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 25-02-2020

This application under Section 439 Cr.PC, has been filed praying for bail of the petitioner, namely, Md. Abdul Karim, who is in detention in connection with Gorchuk PS Case No. 96/2020 under Section 120B/381 IPC.

Heard Mr. P.K. Munir, learned counsel for the petitioner and Mr. H. Sarma, learned Addl. P.P. for the respondent.

Perused the case diary produced today.

The allegation made in the FIR is that the petitioner along with one Mridul Kalita, who were employee of the Simar Express a transport service (Online franchisee), while making transportation of consignments, took out two mobile phones from the consignment without informing the owner. The forwarding report shows that both the mobile phones were recovered.

Having considered the nature of accusation and also that the stolen articles have already been recovered, further custodial detention of the petitioner is not considered necessary. Accordingly, the petitioner is allowed to be enlarged on bail of Rs. 20,000/- with one suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup (M), subject, of course, to the following conditions:

1. The accused petitioner shall co-operate in the investigation as and when required;
2. The accused petitioner 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 from disclosing such facts either to the Court or to any police officer.
3. The accused petitioner shall not commit any similar offence, of which he is accused or suspected commission.

Bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant