GAHC010155502020

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

**Case No. : Bail Appln./2358/2020**

MAKBUL HUSSAIN
S/O LATE MANJUR HUSSAIN, R/O MANASPUR WARD NO. 3, P.S.-BARPETA ROAD, DIST-BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. M K DEURI

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**
**HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**Date : 07-12-2020**

Heard Mr. D Gogoi, learned counsel appearing for the petitioner and Mr. NK Kalita, learned Additional Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Makbul Hussain** has prayed for granting bail in connection with **Barpeta Road P.S. Case No. 416/2020** under Section 302 of the IPC .

Case diary, as called for, is received.

Mr. D Gogoi, learned counsel appearing for the accused petitioner, submits that the accused petitioner is behind the bar for 91 days since he was remanded on 09.09.2020 and as such, considering the length of detention, the accused petitioner may be directed to be released on bail.

Mr. NK Kalita, learned Addl.P.P. Assam submits that the investigation is yet to be completed and as the petitioner is behind the bar for 91 days, the bail application of the accused petitioner may be considered favourably.

Having heard the learned counsel of both sides and perusal of the case diary, it is seen that investigation is yet to be completed and as such considering the length of detention, prayer for bail of the accused petitioner is granted.

Therefore, it is provided that the accused petitioner, named above shall be released on bail of **Rs.25,000/-** with one surety of the like amount to the satisfaction of the learned **CJM, Barpeta,** subject, of course, to the following conditions:

1. That the accused shall co-operate in the investigation as and when required;

2. That the accused 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; and

3. That the accused shall not commit any similar offence, of which he is suspected of commission.

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Return the case diary.

With the above directions, the bail application stands disposed of.

**JUDGE**

**Comparing Assistant**