GAHC010160722020

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

Case No. : Bail Appln./2456/2020

1: NEKIBUR RAHMAN AND ANR.
S/O. MD RAMJAN, VILL. JIONGMARI, P.S. RUPOHI, DIST. NAGAON, ASSAM.

2: NEKIBUR RAHMAN
S/O. MD HASAN, VILL. JIONGMARI, P.S. RUPOHI, DIST. NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA

ORDER

26. 11. 2020

Heard Ms. A Medhi, learned counsel for the petitioners. Mr. H Sarma, learned Additional Public Prosecutor, Assam produced the case diary.

This is an application under Section 439 Cr.P.C. filed by the petitioners, Md. Nekibur Rahman S/o Md. Ramjan and Md. Nekibur Rahman S/o Md. Hasan Ali seeking bail in Sonapur PS case No. 426/2020 under Section 379 IPC.

The petitioners were arrested on 19.10.2020. On perusal of the case diary, it is found that they

were engaged on daily labour basis by the owner of the vehicle which was seized. Considering the length of detention, in my opinion, no further custodial interrogations are necessary of the petitioners. Accordingly, I am satisfied to grant bail to the petitioners in the above noted case and as such the accused-petitioners, named above, shall be released on bail in connection with Sonapur PS case No. 426/2020 on furnishing bail bond of Rs.10,000/- each with one suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) on the following conditions:

(i) The petitioners shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M) without prior permission from the said learned court. The said condition would be scrupulously followed,

(ii) The accused-petitioners shall not hamper with the investigation, or tamper with the evidence of the case, and

(iii) The accused-petitioners 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 to the court or to any Police Officer.

(iv) The petitioners shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

This application stands disposed of accordingly.

JUDGE

Comparing Assistant