GAHC010181642020

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

Case No. : Bail Appln./2850/2020

MD. MAJIBUR RAHMAN AND ANR
S/O LATE ABDUL MAJID, R/O NO. 3 BORGHULI, P.S.-ULUANI, DIST-NAGAON, ASSAM

2: MD. RAJIBUL HOQUE
S/O NURJAMAL HOQUE
R/O NO. 3 BORGHULI
P.S.-ULUANI
DIST-NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

22.12.2020:

Heard Ms. S. Saikia, learned counsel for the petitioners. Also heard Mr. N. J. Dutta, learned Additional Public Prosecutor, Assam for the State respondent.

This is an application, filed under Section 439 of the Cr.P.C. seeking bail of the accused-petitioners, namely, ***(1) Md. Majibur Rahman and (2) Md. Rajibul Hoque,*** in connection with ***Uluani PS Case No. 80/2020*** registered under Sections 120(B)/420/489(C)/489(D)/34 IPC.

Ms. S. Saikia, learned counsel for the accused-petitioners has submitted that the accused-petitioners are in custody for 90 days as on date and charge sheet has not been laid.

Mr. N. J. Dutta, learned Additional Public Prosecutor has subscribed to the submission made by the learned counsel for the accused-petitioners stating that the accused-petitioners have been in custody for 90 days as on date and the investigation has not been completed and charge sheet has not been laid.

Since the case dairy is available before this Court, and the investigation has not been completed within the statutory period prescribed, therefore, the accused-petitioners are granted default bail.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with ***Uluani PS Case No. 80/2020*** on furnishing bail bond of Rs. 25,000/- each with a suitable surety of the like amount each, to the satisfaction of learned SDJM(M), Kaliabor, Nagaon.

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

(a) shall not leave the territorial jurisdiction of learned SDJM(M), Kaliabor, Nagaon, without prior written permission from him;

(b) shall not hamper with the investigation, or 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 from disclosing such facts to the Court or to any police officer.

The petition stands disposed of accordingly.

Return the case dairy.

JUDGE

Comparing Assistant