

GAHC010257132019



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

Bail Appln. 3232/2019

1:ARIF ALI AND ANR.
S/O MD. ABDUL LATIF
R/O VILL-NAKHULA GRANT BASTI
P.S.-JAGIROAD
DIST-MORIGAON
ASSAM

2: SIRAJ HUSSAIN
S/O LATE MEER HUSSAIN
R/O JAGIROAD TOWN
DIST-MORIGAON
ASSAM
VERSUS

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

Advocate for the Petitioner : MR. B CHOWDHURY
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 31-10-2019

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, **1. Arif Ali** and **2. Siraj Hussain**, in connection with **Sipajhar Police Station Case No. 618 of 2019**, (corresponding to GR Case No. 2522/2019), registered **under Section 395 of the IPC.**

I have perused the petition including the copy of the FIR and the documents annexed therewith.

The case diary produced, has been perused.

Heard Mr. B Chowdhury, learned counsel for the petitioners and Mr. H Sarma, learned Additional Public Prosecutor.

The accused-petitioner has been in custody for a period of 75 days, with effect from 18-08-2019.

The learned counsel for the petitioner submits that the co-accused has already been enlarged on bail, vide order, dated 25-10-2019, passed in Bail Application No. 2654/2019. Therefore, to maintain parity, the present accused-petitioner may also be granted bail.

Considering the fact that the co-accused has already been enlarged on bail and the length of detention of the accused-petitioner in custody this Court is of the view that further custodial detention of the accused-petitioner is not felt necessary.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of **Rs.20,000/- each** with **a suitable surety** each of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Darrang, Mandaldoi.

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

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Darrang, Mandaldoi, without prior written permission from him;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case;
- (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.

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

Return the case diary.

JUDGE

Comparing Assistant