

GAHC010262842019



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

Case No. : Bail Appln. 3347/2019

1:ABDUL HAQUE
S/O LATE RAFIKUL ISLAM, R/O VILL-BORBALA, P.S.-HOWLY, DIST-
BARPETA, ASSAM-781316

VERSUS

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

Advocate for the Petitioner : MR. B BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 31-10-2019

This is an application, filed under Section 439 Cr.PC, praying for bail of the accused-petitioner, namely, Abdul Haque, in connection with P.R.C. Case No. 479/2019 under Section 366(A) IPC.

Heard Mr. B. Borah, learned counsel for the accused-petitioner as well as Mr. P.P. Baruah, learned Public Prosecutor for the state respondent.

Perused the petition as well as the annexures furnished therewith.

The accused-petitioner has been shown absconder in the charge-sheet in connection with the P.R.C. Case No. 479/2019 under Section 366(A) IPC. The learned counsel for the accused-petitioner has submitted that the accused-petitioner appeared before the learned court below on receipt of summon and thereafter he was taken into custody and since then he has been in custody for 41 days. It has been submitted that the charge has not been framed and the

case has been posted for appearance for other accused persons. Since the trial has not been commenced and the accused-petitioner has been in custody for 41 days as on date due to the fact that he was shown absconder in the charge-sheet, in the considered view of this court, further custodial detention of the accused-petitioner is not necessary.

Accordingly, the prayer for bail of the accused-petitioner is allowed.

The accused-petitioner is granted bail on his furnishing bail bond of Rs. 20,000/- with one suitable surety of the like amount to the satisfaction of the learned court below wherever the case is pending on the following conditions :

- (1) The accused-petitioner shall not leave the territorial jurisdiction of the learned court below wherever the case is pending, without prior written permission from the said learned court,
- (2) The accused-petitioner shall not tamper with the evidence of the case, and
- (3) 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 to the Court or to any police officer.

The petition stands disposed of accordingly.

JUDGE

Comparing Assistant