

GAHC010057082020



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

Case No. : Bail Appln. 681/2020

1:KASIM ALI
S/O- LATE NABAT ALI, R/O- MOKUWA, UNDER MANIKPUR POLICE
STATION, DIST- BONGAIGAON, ASSAM

VERSUS

1:THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Counsel for the applicant : Ms. S. Kakoti

Counsel for the respondent : Mr. N.J. Dutta,
Additional Public Prosecutor, Assam

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

26-03-2020

1. Kasim Ali has filed this application for bail under Section 439 of the Code of Criminal Procedure, 1973 in Basistha P.S. Case No.239/2020 under Section 354 D/342/354/384 of the Indian Penal Code.
2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.
3. I have heard Ms. S. Kakoti, learned counsel for the applicant and Mr. NJ Dutta,

learned Additional Public Prosecutor, Assam for the respondent.

4. I have gone through the contents of the FIR at issue. Allegedly, while the victim was coming from her work place to home, one person who was following suddenly gagged her mouth and pulled her on the side of the road to do unlawful act. The victim raised hue and cry. A dog came outside from the vicinity. The accused while snatching the mobile phone fled from the place of incident.

5. Contention of learned counsel of the applicant is that no case under Section 384 read with Section 383 of the Indian Penal Code is made out. The said penal provision has been invoked de-hors the accusation. It has further been pointed out by learned counsel for the applicant that the applicant has been in custody for 48 days and his further custody shall not serve any purpose of law or investigation.

6. Learned counsel for the prosecution has not been able dispute the fact that for the purposes of investigation custody of the applicant is not required. It has ,however, been argued that the case of snatching of mobile is of serious nature.

7. Having considered the period of custody and the fact that further custody of the applicant shall not serve any purpose of law or investigation and there is no material to indicate that the applicant is a habitual offender, the application is allowed.

8. It is hereby directed that the applicant, namely Kasim Ali be released on bail on his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Kamrup (Metro).

9. It is further directed that in case the applicant approaches any witness or delays the trial, the prosecution would be at liberty to seek cancellation of bail of the applicant.

10. Let a copy of this order be provided under the signature of the Court Master.

CHIEF JUSTICE

Comparing Assistant