GAHC010002922023

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

Case No. : Bail Appln./92/2023

NUR HUSSAIN
S/O LATE ABDULKASHEM
R/O VILL- BINNACHARA PART-III,
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

30.01.2023

Heard Mr. A. Ali, learned counsel appearing on behalf of Mr. A.R. Sikdar, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. P.P. for the State.

The petitioner, namely, Nur Hussain, who has been languishing in jail since 09.12.2022, has prayed for regular bail under section 439 of the Cr.P.C. in connection with Golakganj P.S. Case No. 436/2022, under Section 392 of the IPC.

It is submitted on behalf of the petitioner that he is innocent and he has been forcefully implicated here in this case.

The learned Addl. P.P. has raised objections stating that there are cogent materials in the case diary against the petitioner.

I have perused the case diary.

The investigation has progressed substantially. The petitioner has been languishing in the jail for last 52 days. However, the articles are not recovered. The petitioner has submitted that he will cooperate with the investigation and will not hamper and tamper with the evidence.

Considering all aspects, petition is allowed. In the event of the arrest of the petitioner shall be released on bail on furnishing bail bond of Rs. 50,000/- with one suitable surety of like amount to the satisfaction of the arresting authority.

The petitioner is to abide by the following conditions:

1.   The petitioner will not hamper the investigation and tamper with the evidence;

2.   The petitioner will refrain from such activities with which he is alleged; and

3.   The petitioner will not leave the jurisdiction of the trial Court without prior permission of the learned CJM, Dhubri.

Send back the case diary.

Case is disposed of.

JUDGE

Comparing Assistant