

GAHC010290242023



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

**Case No. : Bail Appln./4643/2023**

MAINUL HOQUE  
S/O HAZRAT ALI  
R/O VILL- BATIAMARI, P.S. BOKO  
DIST.KAMRUP (RURAL), ASSAM  
PRESENT ADDRESS- HOUSE NO. 17,  
BITOPAN PATH, NOTBOMA PANCHALI, HATIGAON, P.S. HATIGAON  
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

For the petitioner (s) : Mr. S. H. Sikdar, Advocate

For the respondent (s) : Mr. D. Das, APP, Assam

BEFORE  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
O R D E R

22.12.2023

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the petitioner, namely, Mainul Hoque who was arrested on 03.12.2023 in connection with Gorchuk P.S. Case No.

324/2023, registered under Sections 120-B/467/467/448/427/379 of the IPC.

2. The said case has been registered on the basis of an FIR lodged by the informant Dhanraj Parit on 29.11.2023 regarding land encroachment by some miscreants on 11.06.2023 and the petitioner was arrested by the Crime Branch in connection with the said incident for making fake sale deed documents and for illegally occupying the land of the informant. It is alleged that the petitioner was initially arrested in connection with Cyber P.S. Case No.12/2023 and on 03.12.2023, the petitioner was shown arrested in connection with the instant case, i.e. Gorchuk P.S. Case No. 324/2023, registered under Sections 120-B/467/467/447/427/379 of the IPC and he was sent to judicial custody.

3. Mr. S. H. Sikdar, the learned counsel for the petitioner submits that the petitioner is no way involved in the offence alleged in the FIR, and therefore, contended to allow this petition.

4. On the other hand, Mr. D. Das, learned Additional Public Prosecutor has vehemently opposed the petition and prays for dismissal of the petition.

5. I have heard the learned counsels for the parties carefully gone through the petition and the documents placed on record. It appears that the accused was arrested on 03.12.2023 and since then he is behind the bar for last 20 days.

6. Taking into consideration that the petitioner has been in custody for the last 20 days, further custodial detention is not required.

7. Accordingly, this Court is inclined to grant the bail to the petitioner above named. Hence, it is directed that the petitioner, namely, Mainul Hoque

shall be released on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) subject to the following conditions:-

- (i). The accused petitioner shall appear before the investigating officer on 27.12.2023 for recording his statement or on such dates as the Investigating Officer directs and shall co-operate with the investigation of the case as and when necessary.
- (ii). 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.
- (iii). The accused petitioner shall not leave the territorial jurisdiction of the learned C.J.M, Kamrup (M) without prior permission.
- (iv). The accused petitioner shall not hamper with the investigation of the case and tamper with the evidence.
- (v). The accused petitioner shall provide assistance to the Investigating Officer as and when required.

8. Accordingly, the instant petition stands disposed of.

**JUDGE**

**Comparing Assistant**