

GAHC010027692024



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

Case No. : Bail Appln./412/2024

TAIZUL ISLAM
S/O JAMSED ALI
R/O GERUAMUKH
P.S. KHATOWAL,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.02.2024

Heard Ms. A. Medhi, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Taizul

Islam, who has been languishing in jail hazot since 02.02.2024, in connection with Basistha P.S. Case No.16/2024, under Section 379/411 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by S.I. Ritupon Kalita of Jorabat Out Post, on 09.01.2024. The essence of allegation made in the aforesaid FIR is that on 09.01.2024, at about 5:30 p.m., while the informant was attending Naka checking, at Jorabat link road, he intercepted one motorcycle along with two riders coming from Nagaon side without number plate and on being asked, they failed to produce any document and tried to flee away and during interrogation they disclosed that they have received the motorcycle in front of Rajasthani Bhojanalaya as per direction of one person, namely, Grip from Shillong and the said motorcycle was handed over to them by one unknown person coming from Nagaon side.

4. Ms. Medhi, learned counsel for the accused, submits that the accused person was arrested on 02.02.2024 and since then, he has been languishing in jail hazot and that the stolen article has already been recovered and seized by the police and therefore, Ms. Medhi contended to allow this petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and one of the co-accused, namely, Grip is yet to be arrested and therefore, Mr. Baruah has opposed the petition.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. It appears that the accused has been languishing in jail hazot since 02.02.2024. Further, it appears that the stolen motorcycle has already been recovered and seized by police and the case diary also indicates that the I.O. has achieved substantial progress in the investigation of this case and it is pending for arrest of one co-accused, namely, Grip.

8. Under the aforementioned facts and circumstances, further custodial detention of

the accused seems to be not warranted here in this case and therefore, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Kamrup(M), in connection with Basistha P.S. Case No.16/2024, under Section 379/411 IPC, the accused, namely, Taizul Islam, be enlarged on bail. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant