
(2020) 04 GAU CK 0005
In the Gauhati High Court
Case No : Bail Application No. 656 Of 2020

Abdul Samad And 3 Ors

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 22-04-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 325, 326

Citation : (2020) 04 GAU CK 0005

Hon'ble Judges : Ajai Lamba, CJ

Bench : Single Bench

Advocate : A. Mannaf, N.J. Dutta

Final Decision : Allowed

Judgement

1. (1) Abdul Samad, (2) Habibar Rahman, (3) Md. Rajab Ali @ Rajob Ali, and (4) Rafijuddin @ Rafazuddin have filed this application for bail under

Section 439 of the Code of Criminal Procedure, 1973 in Chhaygaon Police Station Case No.164/2020 under Sections 147, 148, 149, 325, 326, 307 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 Mr. A. Mannaf, learned counsel for the applicant and Mr. NJ Dutta, learned Additional Public Prosecutor, Assam for the respondent.

4. In deference to order dated 7.4.2020, injury reports have been produced by Mr. N.J. Dutta, learned Additional Public Prosecutor, Assam.

According to the injury report, Abdul Salam received injury on head, which has been found to be blunt and stated to be grievous in nature.

Tuta Miya received blunt injury on soft tissue of head and fracture of 4th metacarpal/left hand (simple).

Abdul Kalam is stated to have received "minimal head injury" and "soft tissue injury right hand", both simple.

5. Contention of learned counsel for the applicants is also to the effect that there is a cross version registered at the instance of the applicants as

Chhaygaon P.S. Case No.163/2020 under Sections 147, 148, 149, 325, 326, 307 I.P.C.

Learned counsel for the prosecution has informed the Court that in FIR Chhaygaon P.S. Case No.163/2020 (supra), charge sheet has already been filed.

6. Considering the custody period of the applicants since 17th February, 2020; the nature of the injuries received by the injured, as detailed above; the

fact that the injuries have been found to have been caused with blunt weapon; and there is a cross version to the incident in which charge-sheet has

already been filed, I deem it proper to allow this application.

8. It is hereby directed that the applicants be released on bail on their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Kamrup, Amingaon.

9. Heavy surety.

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