
(2021) 06 GAU CK 0008
In the Gauhati High Court
Case No : Bail Application No. 1169 Of 2021

Md. Fajal Ali @ Fajal Matbor

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 04-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 143, 302, 365

Citation : (2021) 06 GAU CK 0008

Hon'ble Judges : Ajit Borthakur, J

Bench : Single Bench

Advocate : M R Z Choudhury

Final Decision : Disposed Off

Judgement

Heard Mr. M.R.Z. Choudhury, learned counsel appearing for the accused petitioner. Also heard Mr. B. Sharma, learned Addl. P.P., Assam appearing for the State respondent.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, Md. Fajal Ali @ Fajal Matbor has prayed for grant of bail in connection with Hajo P.S. Case No. 705/2020 under Sections 143/365/302 of the IPC.

The F.I.R., inter-alia, reveals the allegation that on 17.07.2020 at about 4 p.m. while the informant's nephew namely Niku Ali(Putul) was going to

his house from Kalitakuchi then he was assaulted near Bullut by mob where about one hundred persons were involved including the present accused person and thereafter he was forcefully taken to Dakshin Singra and as a result he succumbed to injuries.

The accused has been in judicial custody since 22.03.2021, that is, for 75 days.

From the above, it is revealed that there is abundance of prima facie incriminating evidence against the accused. The investigation has substantially progressed in respect of the accused's complicity.

Having considered the length of the detention and the age of the accused petitioner and also in view of the current second wave of Covid-19

pandemic, this court is of opinion that if the liberty of bail is granted to the accused, the ongoing investigation is unlikely to be adversely affected.

Accordingly, it is provided that the accused, named above, shall be released on bail of Rs. 30,000/- with one surety of the like amount to the

satisfaction of the learned J.M.F.C., Hajo, Kamrup, Assam, subject to the following conditions-

(I) That the accused/petitioner shall cooperate with the Investigating Officer as and when required;

(II) That 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 Police Officer or the Court; and

This disposes of the bail application.