

Crl. Misc. No. 765/19

07.11.2019

Bail petitioner for accused person Md. Foridul Islam represented. Learned Addl. P.P. Mr. N. A. Choudhury notified and appeared. Heard both sides on bail petition filed U/S 439 of Cr.PC praying for grant of bail to accused person namely **Md. Foridul Islam** who is detained in custody in connection with Moirabari P.S. case no. 280/2019 (G.R. No.2909/19) U/S 420/379 of I.P.C.

Petition is supported by an affidavit filed by Md. Ainul Hussain @ Hoque, swearing that no bail petition has been filed or rejected or pending before Hon'ble Gauhati High Court or any other Superior court.

Prosecution case, in concise, is that informant Baharul Islam lodged a written ejahar stating inter-alia, that information has brought a Bolero pickup (Mahindra) bearing registration no. AS-21-C-8961 in finance. On 08.08.19 at about 10.00 a.m. accused person Md. Foridul Islam took said vehicle to Dibrugarh on rent but he did not return. When informant called him over phone, accused person did not answer. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent. On the contrary, learned Addl. P.P. Mr. N. A Choudhury submitted to pass order as per law.

Perusal of CD shows that stolen vehicle seized in the meantime. Accused person already endured more than half of the period of detention.

Considering length of detention, progress of investigation and position in CD, accused person **Md. Foridul Islam** is **allowed** to go on bail of Rs. 20,000/- (Twenty thousand) with a fit surety of like amount to the satisfaction of learned Elaka Magistrate, Morigaon on condition-

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- i) that, soon after his release, accused person would visit the concern I/O and shall regularly appear before him every fortnightly, there from, till filing of FF or till expiry of 2 months from his arrest, whichever is earlier.
- ii) That, he shall not directly or indirectly make any inducement or threat or promise to` any person acquainted with the fact of the case till filing of FF.
- iii) That, he shall co-operate with investigation and shall not leave the jurisdiction of the court without written permission from I.O.
The CrI. Misc. Case stands disposed off.
Send back CD & LCR accordingly.
Inform all concerned.

Asstt. Sessions Judge,
Morigaon