

GAHC010036992023



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

Case No. : Bail Appln./612/2023

RUHUL AMIN TARAFDAR
S/O LT. MUBARAK ALI TARAFDAR
VILL- KATHALDI PART-III
P.O. AND PO.S. BILASIPARA
DIST. DHUBRI, ASSAM
PIN-783348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 20.04.2023

Heard Mr. BC Das, learned Senior Counsel for the accused petitioner as well as Mr. B Sharma, learned Additional Public Prosecutor, Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Ruhul Amin Tarafdar**, has prayed for grant of bail in connection with **Bilasipara P.S. Case No. 313/2022** under Sections 120(B)/153/153(A)/153 (B)/504/505/507 IPC r/w Section 17/18/19/20 of UA (P) Act.

Case diary is received.

Mr. BC Das, learned Senior Counsel for the accused petitioner submits that the accused has been languishing in judicial custody for 84 days despite he, who is a government servant, has undergone marathon interrogation in police custody for 5(five) days and 03(three) co-accused persons are already released on bail. Mr. Das further submits that the accused never held any voluntary position in the PFI nor even remotely associated with the said organisation. It is also submitted that the present accused has been arrested based on the statements of the two co-accused persons. Therefore, Mr. Das, learned Senior Counsel, submits that maintaining parity in orders and in the facts and circumstances, the accused petitioner may be directed to be enlarged on bail.

Per Contra Mr. B Sharma, learned Additional Public Prosecutor, submits that the case diary reveals that the investigation into the case is still on and the financial transactions done by the accused petitioner are yet to be analysed and some other material witnesses are yet to be examined in connection with the case. Therefore, Mr. Sharma submits that if liberty of bail is granted to the accused petitioner, there is every likelihood of him hampering the investigation.

The FIR reveals the allegations that certain activists of PFI (Popular Front of India) are trying to flare up communal passion in the district of Dhubri by propagating falsehood through various channels as well as by violating the lawful order of the District administration committed breach of peace and Law and order situation.

It is noticed that the accused petitioner is in judicial custody for 84 days since 27.01.2023.

It is further noticed that the Ministry of Home Affairs, New Delhi by Notification, dated 27.09.2022 published in the Gazette of India, dated 28.09.2022 declared the PFI as 'unlawful association'.

The above FIR came to be lodged on 26.09.2022 for alleged anti-national activities of the PFI

in the district of Dhubri, Assam which were committed prior to the aforesaid date of notification terming the PFI as 'unlawful association', without mentioning the name of the present accused petitioner. Later on, by an order, dated 02.11.2022, the learned SDJM (M), Bilasipara, on the prayer of the investigating officer, added the additional sections 17/18/19/20 of UA (P) Act after the aforesaid Notification, dated 28.09.2022, was published.

Scrutiny of the case diary, *inter-alia*, reveals that there is implicating evidence against the accused petitioner. The analysis of bank transactions are on and further investigation is on to arrest his more co-accused persons and to examine more material witnesses.

Three co-accused persons, namely, 1.Lutfur Rahman 2) Abdus Salam Talukdar and 3) Abdul Hamid are already released on bail by this Court vide order, dated 06.12.2022, passed in Bail Application 3117/2022.

Having heard the learned counsel of both sides and perusal of the case diary, more particularly keeping in consideration of the above aspects and further, the length of detention (84 days), this Court is of the opinion that further continuation of detention of the accused petitioner in the interest of the ongoing investigation may not be needed.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 50,000/- (Fifty Thousand)** with one surety of like amount to the satisfaction of the **learned SDJM (M), Bilasipara** 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
- (iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is accused or suspected of commission.

Breach of any of the above conditions of bail shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant