

GAHC010042292023



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

Case No. : Bail Appln./731/2023

JAMIR ALI SK. @ JOMIR ALI SK.
S/O LATE HUJUR ALI SK., VILL.- KAMARDIHI PART- I,
P.S.- CHAPAR,
DIST.- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

20.03.2023

Heard Mr. N Uddin, learned counsel appearing for the accused petitioner as well as Mr. RJ Baruah, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Jamir**

Ali Sk. @Jomir Ali Sk. has prayed for grant of bail in connection with **Bilasipara P.S. Case No. 313/2022** under Sections **120B/153/153(A)/153(B)/505/507** of the IPC and added Section **17/18/19/20** of the Unlawful Activities (Prevention) Act.

The case diary, as called for, is placed before the Court.

The brief facts of the case are that on 26.09.2022, informant SI Padmapani Borah of Bilasipara P.S. lodged an FIR alleging, *inter-alia*, that information has been received from reliable source that certain P.F.I. (Popular Front of India) activists are making all attempts to flare up communal disharmony in the district of Dhubri by instigating the minority community against various policies/schemes of the Government like CAA, NRC, 'D' voter, the new state education policy, Cattle Preservation Act, AFSPA, TET recruitment, Agnipath Scheme, eviction of encroached Govt. lands etc. with a view to term these actions of the Government as a direct attack on the Muslim community. They have been misleading the public by campaigning through social media tools like twitter, e-postering, organizing webinars through ZOOM or Google Meet etc., giving inflammatory speeches highlighting certain arrests made in UP, Bihar and Delhi, challenging the Karnataka High Court verdict on HIJAB issue, court verdict on the Gyanvapi Mosque, verdict on the Ram Janambhoomi-Babri Masjid issue, abrogation of Art. 370 etc. Thus, they are posing a grave threat to the internal security of the country.

It is noticed that the accused petitioner has been in judicial custody for 47 days since 01.02.2023.

A perusal of the case diary, it is prima facie revealed that the accused petitioner is the secretary of Dhubri District Committee of the now banned

Popular Front of India (P.F.I.) engaged in creating communal disharmony in the state and thereby posing a threat to the security of the state. Various nature of evidence has been collected by the investigation officer which show prima facie implicating him with the alleged offences. The case diary also reveals that they resolved to protest even on the Court verdicts on various issues of national interest. Some other associate members of the District Committee of P.F.I. Dhubri are already arrested and some are absconding. Further, the FSL report on the electronic devices/documents etc. is yet to be received. Thus, the investigation is yet to be completed. Therefore, this case being of serious nature against national security, this Court is of the opinion that if the liberty of bail is granted to the accused petitioner, the ongoing investigation is likely to be adversely affected.

Accordingly, the bail application of the accused petitioner stands rejected.

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant