

GAHC010087522023



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

Case No. : Bail Appln./1492/2023

JAMIR ALI SK @ JOMIR ALI SK
S/O- LATE HAJUR ALI SK., VILLAGE- 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

Date : 27.04.2023

Heard Mr. N Uddin, learned counsel for the accused petitioner. Also heard Mr. B Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this 2nd petition under Section 439 Cr.P.C., the petitioner, namely, **Jamir Ali Sk @ Jomir Ali SK** has prayed for grant of bail in connection with **Bilasipara P.S. Case No. 313/2022** registered u/s **120B/153/153A/153B/505/507** of the IPC r/w Section 17/18/19/20 of UA (P) Act.

It may be mentioned herein that earlier vide order, dated 20.03.2023, prayer for bail of the present accused petitioner was rejected by this Court in Bail Application 731/2023.

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

Mr. N Uddin, learned counsel for the accused petitioner, submits that the accused has been behind the bar since 01.02.2023, i.e. for 86 days despite being innocent. Mr. Uddin further submits that co-accused persons have already been released on bail by this Court vide order, dated 20.04.2023, passed in Bail Application No. 612/2023 and vide order, dated 06.12.2022 in Bail Application No. 3117/2022 respectively. Therefore, Mr. Uddin submits that considering the length of detention, his prayer for bail may be considered favourably.

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.

Perusal of the case diary shows *prima facie* incriminating material against the petitioner. However, considering the length of detention and as the co-accused have already been released on bail, maintaining parity in the order, this Court finds that further detention of the accused petitioner may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 50,000/- (Rupees Fifty Thousand)** with one surety of like amount to the satisfaction of the learned **SDJM, Bilasipara**. The above bail order, shall, however, be 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;
- (iii) That the accused/petitioner shall refrain from committing any such offence of similar nature in future of which he is accused of.

Return the case diary.

This disposes off the bail application.

JUDGE

Comparing Assistant