

GAHC010101372023



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

Case No. : Bail Appln./1680/2023

BODOR UDDIN
S/O MD. SURJAT ALI
R/O H/NO. 345,
VILL- ROUMARI, P.S. DHING,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

08.06.2023

Heard Mr. P.J. Saikia, learned Sr. Counsel appearing for the accused petitioner as well as Mr. R.J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

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

Uddin has prayed for grant of bail in connection with **Nagaon P.S. Case No.236/2023** under Sections **120B/121A/419/468/471/34** of the IPC read with Sections **18/18(B)/19** of the Unlawful Activities (Prevention Act), 1967.

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

The case relates to commission of unlawful and anti-national activities by procuring large number of SIM Cards of various network providers illegally and fraudulently through impersonation to communicate amongst miscreants secretly for the purpose of anti-national activities at the direction of the agents/handlers of Pakistan and others to hand over some of these illegally procured SIM Cards to the agents of foreign country for the purpose of collecting highly sensitive information about the defence establishments and installations, production and storage of defence equipments and weapons etc.

It is noticed that the accused petitioner has been in judicial custody since 08.03.2023, that is, for 93 days.

A perusal of the case diary reveals that the accused petitioner has undergone interrogation in police custody for a total period of 13 days. A large number of illegal SIM Cards were recovered and seized from the possession of the accused petitioner. He and his associates procured the SIM Cards fraudulently for illegal sale and use in anti-national activities. The investigation unearthed a widely prevalent network involved in unlawful activities aiming at harming the integrity and sovereignty of India. The call detail records are yet to be analyzed completely but, they indicate the accused petitioner's frequent contact over phone with his associates. The investigation is yet to be completed.

Mr. R.J. Baruah, learned Addl. Public Prosecutor, submits that the investigating officer has informed him that he submitted a petition for extension of time to complete the investigation beyond 90 days, but, the same has been rejected by an order, dated 05.06.2023 of the Court.

In view of the above, more particularly, on the ground of completion of the prescribed period of detention of 90 days, this Court is of the considered opinion that the accused petitioner, who is a permanent resident under Dhing P.S., may be granted the liberty of bail subject to conditions.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** only with two sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon 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 who is acquainted with the facts of the case so as to dissuade him from disclosing such facts to the investigating officer or to the Court;
- iii) That the accused petitioner shall refrain from committing any similar offences in future of which he is accused of commission; and
- iv) That one of the two sureties must be a government servant subject to verification of the relevant documents and the learned Court below shall return the aforesaid documents after such verification retaining legible scanned copy thereof on record.

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

This disposes of the bail application.

JUDGE

Comparing Assistant