

GAHC010132862023



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

Case No. : Bail Appln./2162/2023

MONIRUL ISLAM
S/O KAJAUDDIN SK.
VILL- DOLOMTOLA PT.II,
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-06-2023

Heard Mr. A Ahmed, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC the petitioner, namely, **Monirul Islam**, is seeking bail in connection with **Bilasipara Police Station Case No. 188/2023** corresponding to G.R. No. 344/2023 registered under Section 14/15 of the Assam Game and Betting Act, wherein he was arrested on 09.05.2023 and is in custody since then.

On behalf of the petitioner, Mr. Ahmed, learned counsel has submitted that the petitioner has been wrongly implicated in the case under Section 14/15 of the Assam Game and Betting Act, considering the fact that the petitioner has been arrested with regard to betting in Indian Premier League (IPL).

Mr. Ahmed, learned counsel for the petitioner submitted that the Hon'ble Apex Court have settled that the provisions of the Assam Game and Betting Act will not be applicable in cases where a game is conducted on the basis of skill and IPL relates to a game which is purely based on skill and for which, the provisions of the Assam Game and Betting Act will not be applicable in case of the petitioner.

Considering the submissions made on behalf of the petitioner and the period of detention of the petitioner since 09.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Bilasipara P.S. Case No. 188/2023. As such, this bail application of the petitioner in said Bilasipara P.S. Case No. 188/2023 is accepted.

Accordingly, the petitioner, namely, **Monirul Islam**, be released on bail in said Bilasipara P.S. Case No. 188/2023 on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate (M), Bilasipara on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Bilasipara P.S. Case No. 188/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Bilasipara Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Bilasipara P.S. Case No. 188/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant