

GAHC010143802023



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

Case No. : Bail Appln./2320/2023

BADSHA SHEIKH
S/O- LATE AKBAR ALI,
R/O- VILLAGE TAKIMARI,
P.O- PATAMARI,
P.S- DHUBRI, DIST- DHUBRI, ASSAM

PRESENTLY RESIDING AT VILLAGE KASUARKHAS PART II,
P.S- DHUBRI, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

25.07.2023

Heard Mr. A. Ahmed, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. Public Prosecutor for the State.

2. This bail application under Section 439 Cr.P.C. has been filed by petitioner, namely, **Badsha Sheikh**, who has been detained behind the bar since 24.04.2023 in connection with Dhubri PS Case No. 191/2023 under Sections 120(B)/191/121/121(A) of the IPC read with sections 17/19/20/21/39 of the Unlawful Activities (Prevention) Act, 1967.

3. The accusation in this case is that one Sanjay Boro had lodged an FIR on 24.04.2023 before the Officer In-charge of Dhubri Police Station, *inter alia*, alleging that three accused persons including present petitioner are involved in unlawful activities as a part of Ansarullah Bangla Team (ABT) module in Dhubri. It is alleged in the FIR that the present petitioner along with other named accused are involved in the financing of terrorist organization ABT and have been acting as financial conduit and they have been taking part in, assisting and inciting the activities of ABT for carrying out the unlawful activities of ABT. They are also suspected to be active members of ABT module in Dhubri. On receipt of the said FIR, Dhubri P.S. Case No. 191/2023 was registered.

4. It is submitted by the learned counsel for the petitioner that the present petitioner, Md. Badshah Sheikh, was arrested on 24.04.2023 and was forwarded to judicial custody on 25.04.2023 and he has already been detained behind the bar since last 92 days and for the offences involved in this case, the maximum period of detention under Section 167 (2) proviso is 90 days. It is also submitted by the learned counsel for the petitioner that one of the co-accused namely, Md. Safiqul Islam has already been granted default bail by one of the Co-ordinate Bench of this Court today itself.

5. The learned Addl. PP has produced the case diary which was called for and it appears from the case diary that the investigation has not yet been completed. It is also submitted that neither any prayer has been made under

Section 43(d)(2) of the Unlawful Activities (Prevention) Act, 1967 for extending the period of detention beyond 90 days.

6. In view of above submission, the present petitioner is entitled to get default bail under Section 167 (2) proviso a(i).

7. Accordingly, the petitioner, **Badsha Sheikh**, is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Dhubri.

8. Sent back the case diary.

9. With the above observation, the instant bail application stands disposed of.

JUDGE

Comparing Assistant