

GAHC010147852023



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

Case No. : Bail Appln./2343/2023

BABUL ALI AND ANR
S/O KALAMONIAR
R/O CHOIRATPUT
P.S. RANGIA
DIST. KAMRUP, ASSAM

2: AMIR ALI
S/O JONAB ALI
R/O BIHAPARA
P.S. TAMULPUR
DIST. TAMULPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-07-2023

Heard Mr. S. Munir, learned counsel for the petitioners and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioners, namely, **1) Babul Ali** and **2) Amir Ali** are seeking bail in **Tamulpur P.S. Case No. 142/2023** registered under Sections 25(1)(a)/(1A)/(1AA) of the Arms Act, corresponding to G.R. No. 564/2023 wherein, they were arrested on 13.05.2023 and since then, they are in custody.

Earlier, the petitioners approached this Court in BA No. 1808/2023 for their bail in said Tamulpur P.S. Case No. 142/2023 and the Court on perusal of the case diary rejected such prayer of the petitioners vide order dated 21.06.2023.

This is petitioners second bail application in said Tamulpur P.S. Case No. 142/2023.

Earlier on 15.05.2023, the petitioners approached the Court of learned Additional Chief Judicial Magistrate, Baksa, Mushalpur for their bail and their prayers were rejected and thereafter, they were remanded to judicial custody.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

From the case diary, it is seen that another accused is yet to be apprehended, who is evading police being involved in the case.

However, considering the period of detention of the petitioners in custody since 13.05.2023 in said Tamulpur P.S. Case No. 142/2023, the Court is of the view that further custodial detention of the petitioners are not warranted to investigate said Tamulpur P.S. Case No. 142/2023. As such, this bail application of the petitioners is accepted.

Accordingly, the petitioners, namely, **1) Babul Ali** and **2) Amir Ali** be released on bail in the **Tamulpur P.S. Case No. 142/2023**, on furnishing a bail bond of Rs.75,000/-, each

with 2 (two) local sureties each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Baksa, Mushalpur on conditions that the petitioners shall – **(i)** appear before the Investigating Officer of said **Tamulpur P.S. Case No. 142/2023** as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the **Tamulpur** Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case and in his absence, the officer-in-charge of said police station specifying the period, proper address to which the petitioners shall be leaving to; **(iii)** not hamper with the investigation, or tamper with the evidence of the case; **(iv)** they 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 them from disclosing such facts to the Court or to any police officer, and **(v)** further, they shall not indulge in similar criminal activity or any other criminal activities, failing which, the bail granted to them in the aforesaid **Tamulpur P.S. Case No. 142/2023** shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant