

GAHC010156162023



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

Case No. : Bail Appln./2505/2023

ABDUL RAZZAK ALI @ ABDUL REZZAK
S/O ABDUL HASEM
VILL- NO. 2 POLAHARTARI
P.S. NAGARBERA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

17.08.2023

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

By this petition under Section 439 Cr.P.C., the accused petitioner, namely **Abdul Razzak Ali @Abdul Rezzak** has prayed for grant of bail in connection with **Nagarbera P.S. Case No.115/2022** under Sections **120B/121/121A/153A/504/505(1)(b)/505(1)(c)/505(2)/507** of the IPC and read with Sections **10/13** of the UA(P) Act.

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

Mr. S.R. Barbhuiya, learned counsel for the accused petitioner, submits that the accused petitioner was arrested by police merely on suspicion and as a result of him being a signatory of the memorandum submitted before the Circle Officer, Nagarbera Revenue Circle, Kamrup against the whimsical arrest of innocent youth by police in connection with involvement in PFI activities. Mr. Barbhuiya also submits that one Abdul Razzak @Abdul Rezzak has already been released on bail by this Court vide order, dated 13.12.2022, passed in BA No.3361/2022.

The FIR, dated 21.10.2022 was lodged by one Gulam Mustak Ahmed to the effect that one Rafikul Islam, Hafizur Rahman, Nazrul Islam and Saiful Islam had been propagating on behalf of a banned organization, namely Popular Front of India (PFI) and continuously recruiting new members into it, which has caused a potential threat to the internal security and integrity of the Union of India. Moreover, various objectionable documents were found in the possession of the accused persons which apparently shows that the accused persons are involved in separatist and disruptive activities and thereby trying to cause disharmony among various communities.

It is noticed that the accused petitioner has been in judicial custody since 19.05.2023, that is, for 91 days.

Perusal of the case diary prima facie reveals that the accused petitioner is an active member and the president of the banned organization, namely PFI and pamphlet of the said banned organization was found from his possession.

Considering the length of detention and maintaining parity in order, this Court is of the opinion that further continuation of detention of the accused petitioner in the interest of the ongoing investigation may not be required.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** only with one surety of like amount to the satisfaction of the learned **District & Sessions Judge, Kamrup, Amingaon** 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; and
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is accused or suspected of commission.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant