

GAHC010180232023



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

Case No. : Bail Appln./2861/2023

SHEKABUDDIN AND 2 ORS
S/O SAIFUL ISLAM
R/O BHUYABARIPAM
P.S. LAHORIGHAT
DIST. MORIGAON, ASSAM

2: INZAMAMUL ISLAM
S/O MOMIRUL ISLAM
R/O BHUYABARI PAM
P.S. LAHORIGHAT
DIST. MORIGAON
ASSAM

3: WAKIBUL ISLAM
S/O MUNZIL HUSSAIN
R/O MANKACHAR
P.S. MANKACHAR

DIST. SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 11-09-2023

Heard Mr. T. Hussain, learned Counsel for the petitioners and also heard Mr. K. Baishya, learned Addl. P.P. for the State respondent.

This application, u/s 439 Cr.P.C. is preferred by three accused persons, namely, 1. Shekabuddin, 2. Inzamamul Islam and 3. Wakibul Islam, who have been languishing in jail hajat in connection with Dispur P.S. Case No. 1329/2023, corresponding to G.R. No. 5129/2023, u/s 120(B)/420/406/468/471 IPC for grant of bail.

It is to be noted herein that above noted case has been registered on the basis of an FIR lodged by S. I. Kongkon Bora of Dispur P.S on 14.7.2023.

The essence of allegation made in the FIR dated 14.7.2023 is that on 14.7.2023 at about 12-30 PM, he along with the staff conducted raid in Builtwell Apartment; situated near Jame Masjid at Kalyanpur, Nayanpur. During the raid they have recovered many incriminating materials including 802 SIM cards, 239 numbers of G-pay UP ID scanners, 2 numbers of laptops, 12 numbers of mobile phones, memory cards and pen drive, 5 numbers of stamps of different colleges, including college of Bihar, Bangalore and different districts of Assam and apprehended two persons, namely, Shekabuddin and Inzamamul Islam and Wakibul Islam.

Mr. T. Hussain, learned counsel for the accused persons, submits that the accused persons have been languishing in jail hajat since 15.7.2022, and that the offences are of 60 days offence and therefore, it is contended to allow the

petition considering the period of detention.

On the other hand, the learned Addl. P.P.has produced the case diary and status report before this court and submits that investigation is still going on.

Having heard the submission of the learned Advocate of both side, I have gone through the petition and the documents placed on record and also perused the status report.

It appears that I.O. has achieved substantial progress in the investigation of the case. Having considered the submission of learned Advocates of both sides and also considering the progress of investigation and further balancing the period of detention of the accused with that of the nature and gravity of the offence, this Court is inclined to allow this petition.

It is provided that on furnishing a bond of Rs. 50,000/-each with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M), all the three accused persons be enlarged on bail.

In terms of above, this bail application stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant