

GAHC010217242023



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

Case No. : Bail Appln./3505/2023

SANTANU RAY @ SANTANU MOHAN ROY
S/O- SRI PRADIP KUMAR RAY @ PRADIP RAY, R/O- MARAKURA, P.S.
GOLOKGANJ, DIST.- DHUBRI (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 09.11.2023

Heard Mr. J. C. Gogoi, learned counsel appearing for the accused petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this second petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Santanu Ray @ Santanu Mohan Roy**, has prayed for grant of bail in connection with **Kachugaon P.S. Case No. 18/2023** under Sections **384/506** of the IPC, r/w Section **66(F)** of the IT Act, r/w Sections **10/13/16/17** of the U.P.(P) Act (G.R. No. 166/2023).

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

The accused petitioner has been in judicial custody since 14.05.2023, i.e. for 180 days.

The earlier bail application of the accused petitioner, being Bail Appln No. 2618/2023, was rejected by this Court vide order, dated 25.08.2023.

The case relates to demand of Rs.5,00,000/- from the informant and some other persons of Gurutela market through WhatsApp by the members of one banned terrorist organization.

It is to be noted that this Court, while rejecting the earlier bail application of the petitioner, had observed as hereinbelow extracted (relevant portion):-

The case diary clearly reveals that the accused petitioner is a member of a banned militant outfit involved in terrorist acts and for this objective he and other members of the outfit raised funds from the public subject, however, to final outcome in investigation. The investigation is yet to be completed.

Therefore, in the backdrop of facts and circumstances that emerged from the case diary, this Court is of the considered opinion that if the liberty of bail is granted to the accused petitioner, the ongoing investigation into the case is likely to be adversely affected.

On perusal of the updated case diary, it appears that the investigation is yet to be completed and there is *prima facie* incriminating material against the accused petitioner, subject, of course, to final outcome in investigation.

However, in the backdrop of facts and evidence, as emerged from the case diary and having considered the length of detention, this Court is of the considered opinion that further continuation of detention of the accused in the interest of investigation is

not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 50,000/-** with one surety of like amount to the satisfaction of the **learned Special Judge, Kokrajhar** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- 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 similar offences in future, of which he is suspected of commission.

Any breach of the above conditions shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant