

GAHC010247692023



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

Case No. : Bail Appln./3959/2023

ABDUL HANNAN @ ABDUL HANNAN TALUKDAR
S/O LT. MUKTADIR ALI TALUKDAR, VILL-NIZ DOBOKA, P.S.-DOBOKA,
DIST-HOJAI, ASSAM, PIN-782440

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-10-2023

Heard Mr. N J Dutta, learned counsel for the petitioner and Ms. S Bora Hazarika, learned Additional Public Prosecutor, Assam for the State.

The petitioner, namely, **Abdul Hannan @ Abdul Hannan Talukdar**, who was arrested on 30.09.2023 in connection with Jamunamukh PS Case No. 50/2023 registered under Sections 120(B)/294(A)/420/468 IPC is seeking regular bail by filing this application under Section 439 CrPC.

The allegation against the petitioner is that notwithstanding that the permission to hold the lottery was cancelled by order of the Additional District Magistrate, Hojai dated 20.09.2023, the petitioner and others went ahead with the lottery in defiance of the said order.

On the said ground, the learned APP has opposed the prayer for bail and it is submitted that the lottery is in contravention of the Section 3 of the Lotteries (Regulation) Act, 1998.

It is seen from the order of the learned Judicial Magistrate First Class, Hojai passed on 16.10.2023 in Jamunamukh P.S. Case No. 50/2023 that the concerned Investigating Officer objected to the bail prayer of the present petitioner and one Kamrul Khan during the stage of investigation on the ground that sufficient evidence have been gathered against the present petitioner and other accused persons and that the accused persons are holding influential position in their locality and on their release on bail they may manipulate the evidence and the eye witnesses with their money power.

Mr. Dutta, learned counsel appearing for the petitioner by placing a copy of the order dated 19.10.2023 passed in BA No. 3917/2023 by a Co-Ordinate Bench of this Court has submitted that the other accused person of the case, namely, Kamrul Khan, against which the concerned I.O. of the case objected to his bail prayer has been released on bail in said Jamunamukh PS Case No. 50/2023.

After hearing the learned counsels for the parties and the submissions made on behalf of the petitioner, this Court is of the considered opinion that further custodial interrogation of the petitioner is not required and the Court is inclined to release the petitioner, namely, **Abdul Hannan @ Abdul Hannan Talukdar**, on bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand Only) with one surety to the satisfaction of the learned Chief Judicial Magistrate, Hojai.

Bail is granted on the following conditions:

- (1) That the petitioner shall appear before the Court in the present case as and when required.
- (2) That the 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimate the prosecution witness.

- (3) That the petitioner shall not obstruct the smooth progress of the investigation/trial.
- (4) That the petitioner shall not misuse his liberty in any manner.
- (5) That the petitioner shall not jump over the bail.
- (6) That the petitioner shall appear before the I.O. once a month till his personal appearance is dispensed with or charge sheet is submitted, whichever is earlier.

Failure on the part of the petitioner to comply with the terms and conditions as specified above and any violation of the aforesaid terms and conditions by the petitioner, namely, **Abdul Hannan @ Abdul Hannan Talukdar**, bail granted to him in said Jamunamukh PS Case No. 50/2023 shall stand automatically vacated.

This bail application accordingly stands allowed to the extent above.
Return the Case Diary.

JUDGE

Comparing Assistant