

GAHC040005282024



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

**Case No. : IA(Crl)/37/2024**

Kazi Gias Uddin and Anr  
Son of Shri Kazi Farman Ali, permanent and present resident of Rongpur Part VII  
Village, PO Rongpur South, PS Katlicherra, Hailakandi District, Assam

2: Kaji Habibur Rahman  
Age:  
Occupation

VERSUS

The State of AP  
represented by the PP

**Advocate for the Petitioner** : Tabit Tapak

**Advocate for the Respondent** : P P of AP

**BEFORE**  
**HONBLE MR. JUSTICE BUDI HABUNG**

**ORDER**

**Date : 09-05-2024**

Heard Ms. Y. Pangu, learned counsel for the applicant. I have also heard  
Mr. T. Ete, learned Additional PP for the State of AP.

This is an application praying for relaxation, alteration and modification of

the terms and condition no. (iii) of the bail order dated 08.04.2024 in BA/20/2024.

The learned counsel for the applicants submits that the accused after his released being a resident of Assam wanted to return to Assam, however, the I.O of the case allowed him only for a period of 7(seven) days in terms of the condition no. iii) of the connected bail application and now, the I.O of the case keeps calling them everyday to report at the Chimpu Police Station and strictly instructed them not to leave Papumpare District. It is further submitted that since there is already a condition no (i), that the accused applicants shall make themselves available for further investigation before the I.O as and when required, the condition no. (iii) may not be required as they are permanent resident of Assam and cooperating with the I.O of the case by appearing as and when called for.

Mr. T. Ete, the learned Additional PP raised objection stating that the accused is not cooperating with the investigation of the case and they have even furnished their false address.

Heard both the learned counsels for the parties and also perused the Status Report produced by the learned Additional PP.

Upon consideration of the Status Report and the submissions of the learned counsels for the parties, I am of the opinion that since there is already a condition that the accused applicants shall make themselves available for further investigation before the IO of the case, the IO has the liberty to call/summon the accused applicants as and when required.

In view of the above, the prayer is allowed.

Accordingly, the condition No. iii) of the bail order dated 08.04.2024 stands modified and merged to be read as in the condition no (i) instead.

With the above, this IA stands disposed of.

**JUDGE**

**Comparing Assistant**