

GAHC010008202024



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

Case No. : Bail Appln./144/2024

MD BILLAL AHMED AND ANR
S/O- MAHARAM,
R/O- VILLAGE UDALI 7 NO,
P.S- LANKA, DIST- HOJAI, ASSAM, PIN-782446

2: MD. ABDUL HYE MAZARBHUYAN
S/O- ABDUL WAHID MAZARBHUYAN
R/O- VILLAGE SARUPATHAR
P.S- JAMUNAMUKH
DIST- HOJAI
ASSAM
PIN-782446

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.02.2024

Heard Mr M Kalita, learned counsel for the petitioners, 1) Md Billal Ahmed, and 2)

Md Abdul Hye Mazarbhuyan.

2. The petitioners have filed this application under Section 439 CrPC, with prayer for bail, as they are behind bars since 17.12.2023, in connection with Pathsala PS Case No. 81/2023, under Section 379 IPC, read with Sections 66(C)/66(D) of IT Act.
3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. I have considered the submissions at the Bar with circumspection.
5. The allegation against the petitioners is that the account of the informant, Sri Kanak Chandra Das was hacked and an amount of Rs. 3,41,700/- was withdrawn by the petitioners and another accused, Minazuddin, who is at present, absconding.
6. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary, against the present petitioners.
7. I have perused the Case Diary.
8. Indeed, there are incriminating materials in the Case Diary, against the petitioners. However, as the investigation has progressed to a considerable extent, it appears that further custodial detention may not be required for further progress of investigation.
9. The petitioners have pledged to cooperate with the investigation as well as the trial. The petitioners have also pledged to abide by any bail conditions, if imposed upon them.
10. Considering all aspects, petition is allowed. The petitioners are enlarged on bail of

Rs. 30,000/- each with a suitable surety each of the like amount to the satisfaction of the learned CJM, Bajali, under the conditions that:-

i) the petitioners shall refrain from such activities with which they are alleged, and,

ii) the petitioners shall not leave the jurisdiction of the Court without prior permission, till completion of trial,

On breach of any bail conditions, bail order shall stand cancelled.

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant