

GAHC010020122024



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

Case No. : Bail Appln./286/2024

MAHIDUL ISLAM @ KALO
R/OKURIHA KAYAKUCHI,
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

27.02.2024

Heard Mr. SM Abdullah P, learned counsel for the petitioner. Also heard Mr. DP Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

This is an application under Section 439 Cr.P.C. praying for bail to the petitioner,

namely, Mahidul Islam @ Kalo, who was arrested on 24.12.2023 in connection with Barpeta Police Station Case No.585/2023 under Sections 10(b)/39(2) of the Unlawful Activities (Prevention) Act.

It is submitted by the learned counsel for the petitioner that the allegation against the petitioner is that in the social media i.e. in facebook post, the petitioner had written "ULFA Swadhin Paresh Baruah Jindabad" with a symbol of "Namaskar" and accordingly the petitioner was arrested and he has been in custody since 25.12.2023. Therefore, considering the period of detention of the petitioner in custody, he may be enlarged on bail.

The learned Additional Public Prosecutor, Assam has produced the case diary and submits that the petitioner has admitted that he had made the aforesaid facebook post.

I have considered the submissions of the learned counsel for the parties and also perused the case diary. On perusal of the records, it appears that the petitioner has made a facebook post by stating that *ULFA Swadhin Paresh Baruah Jindabad* and as a result of which, an FIR had been lodged and the petitioner was arrested.

Considering the length of detention of the petitioner, further custodial interrogation of the petitioner may not be required for the purpose of investigation.

Accordingly, the petitioner above-named, shall be released on bail in connection with the aforementioned police station case on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta subject to the following condition that the petitioner:

(a). shall not leave the territorial jurisdiction of the learned CJM Barpeta without obtaining prior permission.

The bail application, accordingly, stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant