

GAHC010033332024



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

Case No. : Bail Appln./333/2024

ASHIM ADHIKARI
S/O- SATISH CHANDRA ADHIKARI
R/O- ADABARI COLONY
PANDU
RAILWAY QUARTER NO. L1-40A
P.S. JALUKBARI
DIST.- KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P.
ASSAM

Advocate for : MR A HAWARI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.03.2024

Heard Mr. A. Hawari, learned counsel for the accused-petitioner as

well as Mr. D.P. Goswami, learned Additional Public Prosecutor for the state respondent.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Ashim Adhikari**, in connection with **Jalukbari P.S. Case No. 740/2023**, registered under **Section 120(B)/121/121(A)/34 IPC r/w Section 10/13 of Unlawful Activities (Prevention) Act, added Section 25(1)/29 of Arms Act.**

3. The learned counsel for the petitioner submits that the allegation as levelled against the petitioner is totally false and baseless. The petitioner is no way involved in the instant case. He further submitted that the petitioner is not a member of ULFA-I and only on suspicion, he was arrested by the police personnel. Nothing was recovered from the possession of the petitioner. The petitioner has been languishing in jail since 19.12.2023. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found against the petitioner. Considering the nature of offence, the prayer of the petitioner may not be considered at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. It appears that there are sufficient incriminating materials in the case diary against the petitioner implicating him with the commission of the

alleged offence as stated in the FIR. The offence was committed in an organized manner as it appears from the materials in the case diary. Accordingly, the materials available in the case diary does not allow this Court to grant bail to the present petitioner. Therefore, the prayer for bail is **rejected**.

7. The bail application stands disposed of accordingly.
8. Return the case diary.

JUDGE

Comparing Assistant