

GAHC010031112024



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

Case No. : Bail Appln./422/2024

ABUL KALAM AZAD @ DHAN
S/O MD. AINUL HOQUE
R/O MADHUPUR, BORAKHAT, NEAR ZAMA MASJID, P.O. KHARSHITA, P.S.
BELSOR,
DIST. NALBARI, ASSAM
PRESENTLY RESIDING AT RENTED HOUSE OF MD. MOHIBUL BORA @
BABU
R/O DHIRENPARA, DEBENKHAHLARY
PATH, BYE LANE, MILAN PATH, HOUSE NO. 7, P.S. FATASHIL AMBARI,
GUWAHATI-781025
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 16-02-2024

Heard Mr. P.K. Kalita, learned counsel for the petitioner Abul Kalam Azad
@ Dhan.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) as he is behind bars since 12.01.2024 in connection with Fatasil Ambari Police Station Case No.19/2024 under Sections 294/509 of the Indian Penal Code read with Section 67 (A) of the Information Technology Act, 2000.

3. The allegation against the petitioner is that he in connivance with the other co-accused named in the FIR uploaded objectionable photographs and screenshots. The informant aggrieved by such act of the petitioner, lodged an FIR before the Police.

4. The learned Additional Public Prosecutor has submitted that Case Diary is necessary to consider the bail petition.

5. I have considered the submissions of the learned counsel for the petitioner that the petitioner has cooperated with the investigation and he is behind bars for more than one month. I have also considered the submission that further custodial detention for the progress of investigation may not be required. The petitioner is willing to abide by any bail conditions if imposed upon him.

6. Considering all aspects, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* to the satisfaction of the Eleka Magistrate under the conditions that:

i) The petitioner shall refrain from such activities with which he is alleged.

ii) The petitioner shall not exercise threats to the witnesses.

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

In the above terms this Bail Application stands disposed of.

JUDGE

Comparing Assistant