

GAHC010034162024



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

Case No. : Bail Appln./480/2024

ASHIM ADHIKARI
S/O SATISH CHANDRA ADHIKARI
R/O ADABARI COLONY, PANDU,
RAILWAY QUARTER NO. L1-40A, P.S.JALUK
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A HAWARI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.04.2024

Heard Mr. A.Hawari, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Ashim Adhikari**, has prayed for grant of bail in connection with **Baihata Chariali P.S. Case No.367/2023** under Sections **120(B)/121/121(A)** IPC read with **Section 10/13 of Unlawful Activities (Prevention) Act.**

It is submitted by the learned counsel for the petitioner that the petitioner is detained in judicial custody for last 93 days since his arrest i.e. on 18.01.2024 and charge-sheet has not yet been submitted. Hence, the petitioner is entitled for default bail.

On the other hand, Mr. D. P. Goswami, learned Additional Public Prosecutor has confirmed that charge-sheet has not yet been submitted and there is no prayer by the Investigating Officer regarding extension of time requiring further detention of the accused petitioner. Therefore, considering the length of detention, bail may be considered.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **SDJM, Rangia**.

The direction for bail is further subject to the conditions that the petitioner:

- (a) shall not leave the territorial jurisdiction of learned SDJM, Rangia without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant