

GAHC010046522024



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

Case No. : Bail Appln./669/2024

HITESWAR BAISHYA
S/O BIPIN BAISHYA
R/O NALBARI
P.S. UDALGURI
DIST. UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR P DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05-04-2024

Heard Mr. P. Das, learned counsel for the petitioner. I have also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State of Assam.

This is the an application under **Section 439 Cr.P.C.**, seeking regular

bail by the petitioner, namely, **Hiteswar Baishya**, in connection with **Sivasagar P.S. Case No. 190/2023**, registered **under Sections 120(B)/121/121-A/123 of the IPC read with Section 10/13/18 of Unlawful Activities (Prevention) Act, 1967 read with Section 3 of the Explosive Substance Act, 1908.**

It is submitted by the learned counsel for the petitioner that the petitioner was ex-ULFA cadre, he returned back the main stream in the year 2004 and surrendered before the Udalguri Army Camp. Since the day of his surrender, the petitioner has no communications with such organization. He was arrested purely on suspicion. It is also submitted by the learned counsel for the petitioner that as per forwarding report, there is no any allegation against the petitioner with the alleged offence.

It is further submitted that the accused has been detained in custody for last 89 days. Considering the length of detention, the prayer for bail may be considered.

On the other hand, the learned Additional P.P. has produced the case diary and submits that considering the length of detention the petitioner may be enlarged on bail.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary. Considering the materials available in the case diary as well as the submissions made by the learned counsel for the parties, I am of the considered opinion that further custodial interrogation of the accused-petitioner is not for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on

bail in connection with **Sivasagar P.S. Case No. 190/2023**, registered **under Sections 120(B)/121/121-A/123 of the IPC read with Section 10/13/18 of Unlawful Activities (Prevention) Act, 1967 read with Section 3 of the Explosive Substance Act, 1988.**, on furnishing a bail bond of **Rs.50,000/- (Rupees fifty Thousand) only** with **one suitable surety** of the like amount, to the satisfaction of learned Sessions Judge, Sivasagar.

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

(a) shall not leave the territorial jurisdiction of learned Sessions Judge, Sivasagar, 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.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is complete.

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

Return the case diary.

JUDGE

Comparing Assistant