

GAHC010057012024



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

Case No. : Bail Appln./831/2024

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
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

Date : 21.03.2024

Heard Mr. A. Hawari, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the 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.**

It has been submitted by the learned counsel for the petitioner that the petitioner was arrested on 19.12.2023 and since then he has been detained in jail hazot. In the meantime, he has completed mandatory period of 90 days in jail hazot and charge-sheet has not yet been submitted. Hence, the petitioner is entitled for default bail.

Mr. Gogoi, learned Additional Public Prosecutor for the State has confirmed that charge-sheet has not yet been submitted in this case. There is no any prayer by the investigating officer requiring extension of time for further detention of the petitioner.

I have considered the submissions made by the parties.

As it appears that the petitioner has been detained in custody for more than 90 days and charge-sheet has not yet been submitted and there is no prayer by investigating officer requiring further detention of the petitioner, therefore, the petitioner is entitled to get default bail.

Accordingly, the petitioner, named above, shall be released on bail 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**, on furnishing bail bond of **Rs.50,000/-** with two **suitable sureties** of the like amount, to the satisfaction of learned CJM, Kamrup(M), Guwahati, Assam.

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

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M),

Guwahati, Assam 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.

Send back the case diary.

JUDGE

Comparing Assistant