

GAHC010074902024



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

Case No. : Bail Appln./1099/2024

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 THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A HAWARI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.05.2024

Heard Mr. A.Hawari, learned counsel for the petitioner as well as Mr. R.J.Baruah, learned Addl. P.P., Assam 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 **Sivasagar P.S. Case No.190/2023** under Sections 120(B)/121/121A/123 of IPC R/W Section 10/13/18 of Unlawful Activities (Prevention) Act, read with Section 3 of Explosive Substances Act.

The learned counsel for the petitioner submits that the petitioner has been in judicial custody for 92 days since he was arrested on 05.02.2024 and the mandatory period for such offence is 90 days. As such, the petitioner is entitled for default bail.

The learned Addl.P.P. has produced the case diary and submits that charge-sheet is not yet submitted in the case and there is no prayer by the I.O. regarding extension of time for investigation in connection with this case.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that the petitioner is in judicial custody for 92 days today and charge-sheet is not yet submitted in the case and as such, considering length of detention, this Court is of the considered opinion that further detention of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **CJM, Sivasagar**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned CJM, Sivasagar without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant