

GAHC010114862024



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

Case No. : Bail Appln./1661/2024

SHADAB MALIK AND ANR.
S/O ISLAMUDDIN
R/O HOUSE NO. 206
GALI NO. 35, NEW ISLAM NAGAR,
P.S. LISARI
DIST. MEERUT, UP-250002
PRESENT ADDRESS
ULUBARI, GUWAHATI, P.S. PANBAZAR
DIST.KAMRUP (M), ASSAM

2: SALMAN @ SALMAN MALIK
S/O YASIN
R/O GARH ROAD
SISOLI P.S. MUNDALI
DIST. MEERUT UP-250004
PRESENT ADDRESS-
ULUBARI
GUWAHATI

P.S. PANBAZAR
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

10.06.2024

- 1.** Heard learned counsel, A. K. Azad for the petitioners, (i) Shadab Malik and (ii) Salman @ Salman Malik.
- 2.** This application has been filed by the petitioners under Section 439 of the Cr.PC with prayer for bail as they are behind bars for 73 days since 30.03.2024 in connection with Mushalpur P.S. Case No. 33/2024 under Sections 457/379/511/401/413/34 of the IPC.
- 3.** Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
- 4.** The petitioners are arrested in connection with allegation of attempt to remove Remote Radio Unit (RRU) from the Airtel Tower at Village No. 2, Pakhamara.
- 5.** Earlier the petitioners had prayed for bail and as charge-sheet was laid against them vide order dated 30.04.2024 in connection with Bail Application No. 1148/2024, this Court directed the petitioners to appear before the Jurisdictional Court.
- 6.** In connection with GR Case No. 156/2024 vide order dated 02.05.2024, the learned Additional CJM rejected the Bail Application of the petitioners.
- 7.** It is submitted on behalf of the petitioners that they are willing to abide by any stringent conditions, if imposed upon them.

- 8.** I have considered the submissions that the petitioners are behind bars for 73 days.
- 9.** Investigation may have presumably progressed to a considerable extent.
- 10.** I have considered the submissions that the petitioners are local residents and they are not flight risks.
- 11.** In view of my foregoing discussions, petition is allowed.
- 12.** The petitioners are enlarged on bail of Rs. 30,000/-(Rs. Thirty thousand) each with a suitable surety of like amount to the satisfaction of the Jurisdictional Court under the conditions that;

(i) the petitioners shall refrain from any such activities with which they are alleged, and

(ii) the petitioners shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

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

JUDGE

Comparing Assistant