

GAHC010130262024



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

Case No. : Bail Appln./1894/2024

ASHAD ULLAH AND ANR.
S/O LT. RAHMAT ULLAH
VILL- GONAIBORI, WARD NO. 7, P.S. MOIRABARI
DIST.MORIGAON, ASSAM

2: INAMUL HOQUE
S/O MUSAKARI AHMED
VILL- GONAIBORI WARD NO. 7.
P.S. MOIRABARI
DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.07.2024

Heard Mr. A Ahmed, learned counsel for the petitioners as well as Mr. B.Sharma, learned Addl. P.P., Assam for the State respondent.

By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023,

the accused petitioner namely, **1.Ashad Ullah and 2. Inamul Hoque** have prayed for bail in connection with **Moirabari PS Case No. 74/2024** under Sections 120B/419/420/467/468/471/34 of the IPC r/w Section 66 C/66D of IT Act.

Case diary is received.

The learned counsel for the petitioners submits that the petitioners have been languishing in judicial custody for last 64 days. It is submitted that the petitioners were arrested only on suspicion without any valid reasons and nothing was recovered from their possession. However, considering length of detention, the petitioners may be enlarged on bail. It is also submitted that Section 467 IPC is not attracted here in this case. Mandatory period of other offences are 60 days which is already over.

The learned Addl.P.P. has produced the case diary and submits that material in case diary does not indicate commission of any offence under Section 467 IPC.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, considering length of detention, this Court is of the considered opinion that further detention of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with one surety each of like amount to the satisfaction of the learned **CJM, Morigaon** subject to the following conditions;-

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