

GAHC010136632024



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

Case No. : Bail Appln./2010/2024

JUBAIR AHMED
S/O ABDUL KUDDUS, R/O VILL- UDKATI, P.S.-LAHARIGHAT, DIST-
MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 22.07.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioner, who has been arrested in connection with Bhuragaon P.S. Case No. 50/2024, under Sections 120(B)/419/420/467/468/471/34 of the Indian Penal Code *read with* Section 66(C)/66(D) of the Information Technology Act.

Case Diary not received.

It is submitted by M. Khan, learned counsel for the petitioner, that this is the subsequent bail application on behalf of the present the accused/petitioner after rejection of the earlier bail application by this Court vide order dated 28.06.2024 in Bail Appln. No. 1758/2024. However, he submitted that the accused/ petitioner is behind the bar for last 69 days and hence, the I.O. got sufficient time for his custodial interrogation. He further submitted that the prime accused of this case, namely, Ayub Raihan Siddique, has already been granted bail by the learned Court below on 15.07.2024 and in that regard, he also submitted one status report of the case, wherefrom it is seen that the said accused was granted bail by the learned Court below. Accordingly, he submitted

that considering the ground of parity, the bail prayer of the present accused/petitioner may be considered.

Mr. Sharma, learned Additional Public Prosecutor, has submitted in that regard that considering the materials available in the Case Diary, the earlier bail petition of the present accused/petitioner was rejected. However, he submitted that the length of detention and the ground of parity may be considered at this stage.

Considering the submissions made by the learned counsels for both sides, without going by the merit of the case and only considering the length of detention, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon, the accused/petitioner, namely, Jubair Ahmed be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) 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 Court or to any police officer; and

- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Morigaon, without prior permission.

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

JUDGE

Comparing Assistant