

GAHC010137642024



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

Case No. : Bail Appln./1998/2024

MASTAK UDDIN AND ANR
S/O FARIJ ALI @ FORID ALI, R/O VILL- BISKUT, P.O.-AYLABARI TE, P.S.
AND DIST-KARIMGANJ

2: JUBEL AHMED
S/O FORID ALI @ FOTIK ALI @ FARID UDDIN
R/O VILL- BISKUT
P.O.-AYLABARI TE
P.S. AND DIST-KARIMGANJ

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.07.2024

Heard Mr. H.R.A.Choudhury, learned Senior Counsel assisted by Mr. I.U. Chowdhury, learned counsel for the petitioners as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr.

S.Talukdar, learned counsel for the respondent No. 2.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioners, namely, **1. Mustak Uddin** and **2. Jubel Ahmed** have prayed for grant of bail in connection with **Karimganj P.S. Case No.423/2024** under Sections 379/294/323/307/325/326/506 of the IPC r/ w Section 51 (A) of Disaster Management Act, 2005.

The learned Senior Counsel for the petitioners submits that petitioners have been languishing in judicial custody for last 35 days. It is also submitted that there is a political rivalry between the parties and whatever has been stated in the FIR is false and concocted. Except Sections 307/326 of the IPC all other offences as alleged against the petitioners are bailable in nature and as such, considering the length of detention, petitioners may be enlarged on bail.

The learned Addl.P.P. has produced the case diary along with injury report. Injury report reveals that the victim sustained simple injury caused by blunt object and also sustained grievous injury caused by blunt object as per report of the doctor.

Having heard the learned counsel for the parties and on perusal of the case diary along with injury report, it reveals that the injury sustained by the victim falls under Section 325/323 IPC which are bailable in nature. As such, considering the length of detention, this court is of the view that further custodial interrogation 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. 30,000/-** each with a suitable surety each of like amount to the satisfaction of the learned **CJM, Karimganj**, subject to the

following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **CJM, Karimganj**, 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