

GAHC010142842024



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

Case No. : Bail Appln./2105/2024

MD. SAHABUDDIN @ SAHABUDDIN
S/O MD. ABDUL RAHMAN, R/O NAMTOLA, HATICAMP, P.S.-NAMTOLA,
DIST-CHARAIDEO, ASSAM, P/R/O VILL- FAKALI GAON, P.S.-RUPAHI, DIST-
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J C GOGOI, MR B ISLAM, MR. N GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.08.2024

Heard Mr B Islam, learned counsel for the petitioner, Md Sahabuddin @ Sahabuddin, who has filed this application under Section 439 of the CrPC, with prayer for bail as he is behind bars since 16.06.2024, in connection with Namtola PS Case No. 13/2024, corresponding to GR Case No. 167/2024 under Section 121A of IPC, read with Sections 13/39/40 of the UA(P) Act, 1967.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

3. The allegation against the petitioner is that he is an over ground worker of a banned organization and he has been providing administrative and logistical support to the organization.
4. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. The petitioner has been providing food and jackets to the organization.
5. The learned counsel for the petitioner has relied on a decision of the coordinate Bench of this Court in ***Sujit Dey –Vs- The State of Assam***, in connection with Bail Application 1449/2024, dated 11.06.2024, wherein the petitioner was granted bail. The petitioner is similarly circumstanced as the allegation against him is also that he was an over ground worker and he had paid consideration to the organization.
6. Reverting back to this case, I have considered the length of detention and the progress of investigation.
7. I have also considered the submission of the petitioner that he is willing to cooperate with the remaining part of investigation and abide by any stringent bail conditions, if imposed upon him.
8. It is submitted on behalf of the petitioner that he is innocent and he is not a link-man as alleged.
9. I have also scrutinized the Case Diary.
10. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs 50,000/- (Rupees Fifty Thousand), with one suitable surety of the like amount to the

satisfaction of the learned Special Judge, Charaideo, Sonari, under the conditions that:

- (i) the petitioner shall refrain from such activities with which he is alleged,
- ii) the petitioner shall not leave the jurisdiction of the Court, without prior permission, and
- iii) the petitioner shall not exercise threats to the witnesses

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

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant