

GAHC010149402024



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

Case No. : Bail Appln./2175/2024

AMINUL SIKDAR
S/O SHAHED SIKDAR
R/O BOGORI,
P.S. TARABARI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MR. S R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 31.07.2024

Heard Mr. B. Choudhury, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

Case diary is not received.

Heard both sides.

This is an application under Section 483 of BNSS, 2023, filed by the petitioner, namely

Aminul Sikdar, praying for release on bail in connection with Garchuk P.S. Case No. 209/2024 (G.R. Case No. 4090/2024) under Sections 14/ 15 of the Assam Games and Betting Act.

It is submitted by Mr. Choudhury, the learned counsel for the petitioner that the petitioner was arrested in connection with this case on 13.07.2024 and since then he has been detained in custody. He further submits that the petitioner has a tea stall near the Khushi Guest House, Katabari and he only served tea to the guest house on the alleged date of occurrence and not committed any offence. In the meantime, he was arrested in connection with the said case alongwith the co-accused persons. Hence, considering the period of detention, the petitioner may be enlarged on bail. However, the petitioner is ready to cooperate with the investigation of the case.

On the other hand, Mr. Sarma, the learned Additional Public Prosecutor has submitted that the present accused alongwith other co-accused were playing cards and there are some other allegations brought against the petitioner and the I.O. has seized one gambling card and some amount of money and android mobile handsets from the possession of the petitioner and others alongwith some white bed sheet. However, he insisted calling of case diary to consider the case of the petitioner.

Hearing heard the submissions of the learned counsel for both the parties and considering the entire aspect of the matter, including the period of detention as well as the nature of allegations levelled against the present petitioner, I am of the view that further custodial interrogation may not be required and hence, I find it to be a fit case to enlarge the accused petitioner on bail.

Accordingly, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M), Guwahati in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

1. shall not leave the territorial jurisdiction of the learned CJM, Kamrup (M), Guwahati, without prior written permission from him/ her;

2. shall not hamper in the investigation of the case and tamper with the evidence of the case; and
3. 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.

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

JUDGE

Comparing Assistant