

GAHC010149652024



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

Case No. : Bail Appln./2177/2024

HABBAR HUSSAIN AND 4 ORS.
S/O LATE ABDUL MANNAN ALI
R/O NOWAPARA, MILIJULI PATH,
P.S. SATGAON,
DIST. KAMRUP (M), ASSAM

2: ABU BADSHAH MIYA
S/O LATE ABDUL RUPMIYA
R/O KUKARPA
P.S. MAJDIA
DIST. BARPETA
ASSAM

3: MUZAMIL ALI @ MUJAMMEL ALI
S/O LATE JALU MIYA
R/O KALAPANI
P.S. JALUKBARI
DIST. KAMRUP (M)
ASSAM

4: KURBAN ALI
S/O LATE SURHAB ALI
R/O KUKARPAR
P.S. MAJDIA
DIST. BARPETA
ASSAM

5: SHARBAT ALI
S/O LATE KHURSHED ALI
R/O BAMPARA
P.S. TARABARI
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 26.07.2024

Heard Mr. S. M. Abdullah P, learned counsel for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of bail to the accused/petitioners, who have been arrested in connection with Garchuk P.S. Case No. 209/2024, under Section 14 & 15 of Assam Game and Betting Act, 1970.

It is submitted by Mr. S. M. Abdullah P, learned counsel for the petitioners, that the accused/petitioners were only playing cards inside the Guest House and that apart, they have not committed any other offence as alleged in the F.I.R. From the rejection order of the learned Court below also, it reveals that on perusal of the Case Diary, it was seen that the accused/ petitioners were playing cards. They are behind the bar since 13.07.2024 and considering the nature of

allegation, their further custodial interrogation may not be required for the interest of investigation.

Mr. D. Das, learned Additional Public Prosecutor, has submitted this regard that as per the statement made in the F.I.R., it is seen that though the present accused/petitioners were playing cards, but there are some other allegations brought against them. Further he submitted that from the F.I.R. itself, it is seen that the police seized one set of gambling card, some amount of money, some android mobile phones and 2 vehicles from the possession of the accused/petitioners along with one white bed sheet. Accordingly, Mr. Das insisted on calling for the Case Diary to know the further details of the case.

Considering the submissions of learned counsels for both sides and also considering the entire aspects of the case as well as the nature of allegation leveled against the present petitioners, I am of the view that further custodial interrogation of the accused/petitioners seems to be not necessary for the purpose of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/petitioners, namely, (i) Habbar Hussain, (ii) Abu Badshah Miya, (iii) Muzamil Ali @ Mujammel Ali, (iv) Kurban Ali & (v) Sharbat Ali, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves 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, Kamrup(M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant