

GAHC010151232024



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

Case No. : Bail Appln./2225/2024

ABUL KALAM
S/O NAGAR ALI, R/O VILL- MAYAR CHAR PART VI, P.S.-BILASIPARA, DIST-
DHUBRI (ASSAM), PIN-783348

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:THE UNION OF INDIA
REPRESENTED BY N.F. RAILWAY
MALIGAON
GUWAHATI
KAMRUP (M)
ASSAM
PIN-78101

Advocate for the Petitioner : MD B ISLAM, MR. B HUSSAIN,MR A ALAM,MR S
HUSSAIN,MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM, SC, NF RLY

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.08.2024

Heard Mr. B.Islam, learned counsel for the petitioner as well as Mr.

D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Abul Kalam** has prayed for grant of bail in connection with **Guwahati GRPS P.S. Case No.135/2024** under Sections 120(B)/419/420/467/468/471 of the IPC r/w Section 66(C)/66 (D) of IT Act.

The learned counsel for the petitioner submits that the mandatory period of punishment for offences as alleged against the petitioner is 60 days except the offence under Section 467 IPC. Section 467 IPC is not attracted against the petitioner. The petitioner has been in judicial custody for last 69 days since his arrest on 12.06.2024 and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that Section 467 IPC is not attracted against the petitioner. Investigation is still pending as other accused persons are yet to be arrested.

Having heard learned counsel for the parties and on perusal of case diary, it appears that the petitioner is in judicial custody for last 69 days and considering length of detention, further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with a surety of like amount to the satisfaction of the learned **CJM, Kamrup(M), Guwahati**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, Kamrup(M), Guwahati** without prior written

permission from him/her;

- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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