

GAHC010152822024



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

Case No. : Bail Appln./2265/2024

SHAHINUR ISLAM @ KASA
S/O LATE SAMSUL HOQUE, VILL- CHAR KASHARIPARA, P.O. AND P.S.-
HALLIDAYGANJ, DIST-WEST GARO HILLS (MEGHALAYA), PIN-794104

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR R ISLAM, MS M KURMI, MS. A HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 28.08.2024

Heard Mr. R. Islam, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned APP appearing for the State.

2. The petitioner, who was arrested on 06.06.2024 is seeking regular bail under section 483 of BNSS, 2023 in connection with South Salmara P.S. Case No. 108/2024, under Sections 147/148/149/353/333/336/325/326/307/

365/379/411 IPC, read with Section 13(1)/16 of the ACP Act, 2021.

3. The learned counsel for the petitioner has submitted that the petitioner was arrested in connection with Sukchar P.S. Case No. 19/2024 and he was shown arrest in Sukchar P.S. Case No. 10/2024 and while he was arrested in the said cases, the petitioner was shown arrest in South Salmara P.S. Case No. 108/2024 and he is accused of unauthorized transportation of 20 nos. of buffalo for the purpose of smuggling cattle into Bangladesh by crossing river Brahmaputra.

4. The learned APP has produced the case diary and has opposed the prayer for bail on the ground that the petitioner is the master mind of smuggling racket of cattle into Bangladesh and when another co-accused, namely, Soynal Haque was apprehended, the petitioner had conspired with some persons and the violent mob of around 150 persons had attacked the police personnel and during the attack, several police personnel including Head Constable had suffered grievous injuries and had to be shifted to hospital. It is also submitted that the petitioner has several criminal antecedents and is wanted as accused in several cases of smuggling cattle.

5. Be that as it may, as the petitioner was arrested on 06.06.2024 and has spent about 84 days in custody, notwithstanding that the case diary reveals incriminating materials against the petitioner of conspiring of assaulting police personnel and left a Home Guard in an unconscious state in an abandon space, in view of his continuous custody for 84 days, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Shahinur Islam @ Kasa in connection with South Salmara P.S. Case No. 108/2024 on furnishing bail bond of Rs.50,000/- with one solvent surety of like

amount to the satisfaction of the learned Chief Judicial Magistrate, South Salmara, Mankachar.

6. The bail is granted on the following conditions:

(a) That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

(b) 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

(c) That the petitioner shall not obstruct the smooth progress of the investigation/trial.

(d) That the petitioner shall not misuse his liberty in any manner.

(e) That the petitioner shall not jump over the bail.

(f) The petitioner shall appear before the I.O. once in every month till charge-sheet is filed or his appearance is dispensed with by the I.O, whichever is earlier.

7. This application stands disposed of.

8. Case diary is returned.

JUDGE

Comparing Assistant