

GAHC010154342024



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

Case No. : Bail Appln./2255/2024

MAINUDDIN ALI AND ANR.
S/O LATE ABDUL GANI
R/O KATAHBARI, 1 NO. MASJID
P.O. AND P.S. GARCHUK,
DIST. KAMRUP (M), ASSAM

2: MANIRUL SARKAR
S/O MATLAB SARKAR
R/O KATAHBARI SULTAN ALI PATH

P.S. GARCHUK
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. A.H. MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.08.2024

1. Heard learned counsel Mr. S. Munir for the petitioners namely, (i) Mainuddin Ali, (ii) Manirul Sarkar.
2. This application has been filed by the petitioners under 483 of the BNSS, 2023 with prayer for bail as they are behind bars since 22.07.2024 in connection with Garchuk P.S. Case No. 221/2024 under Sections 14 and 15 of the AGB Act, 1970.
3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted that the petitioners have prayed for bail before the learned Trial Court but the Trial Court has rejected the bail petition. Thereafter, the petitioners were hesitant to approach the Sessions Court as earlier in Garchuk P.S. Case No. 209/2024 under Sections 14 and 15 of the AGB Act, 1970, the learned Sessions Judge had also rejected the bail petition.
5. It is submitted that as the petitioners are apprehending that their bail petition may be rejected by the Sessions Judge, they are before this Court with prayer for bail in connection with this case.
6. Learned Additional Public Prosecutor has raised objection stating that already the Trial Court has rejected the bail application and the petitioners are not entitled to bail.
7. I have considered the submissions at the Bar with circumspection.
8. I have also considered the submission that the petitioners are willing to

abide by any stringent bail conditions, if imposed upon them.

9. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioners are enlarged on bail of Rs. 30,000/- each (Rupees thirty thousand), with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M) under the conditions that:

(i) the petitioners shall refrain from such activities with which they are alleged, and

(ii) the petitioners shall not leave the jurisdiction of the Court without prior permission.

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

JUDGE

Comparing Assistant