

GAHC010153842024



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

Case No. : Bail Appln./2405/2024

MOHD ADIL MOHD SHAFI SHAIKH AND ANR
S/O MOHD SHAFI SHAIKH
R/O TAGORE NAGAR
VIKROLI EAST
P.S.-KANNANWAR NAGAR
P.O.-VIKROLI
DIST- THANA
MUMBAI-400083
MAHARASTRA

2: AKASH SANJAY MAGARE
S/O SANJAY SHIVLAL MAGARE
R/O TAGORE NAGAR
VIKROLI
DIST- THANA
MUMBAI-400083
MAHARASTRA
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. P DAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 16.09.2024

Heard Mr. A.I. Ali, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **Mohd Adil Mohd Shafi Shaikh and Akash Sanjay Magare**, have prayed for bail in connection with **Nagaon P.S. Case No. 707/2024 under Section 61(2)/318(4)/338/336(3)/340(1)/340(2) of BNS Act r/w Section 66(c)/66(D) of IT Act and Section 25(1)(A) of Arms Act.**

3. It has been submitted by the learned counsel for the petitioners that the petitioners have been detained in custody since 59 days since their arrest on 20.07.2024. The offence as alleged against the petitioners, the mandatory period of detention is 60 days as because the pistol was seized from another co-accused namely, Furkan Ali. It is further submitted that the provision of Arms Act is not attracted against the petitioners. Considering the length of detention, the petitioners may be enlarged on bail.

4. Mr. Sarma, learned Additional Public Prosecutor for the State has produced the case diary and submits that considering the nature of offence as well as period of detention, bail may be considered.

5. I have considered the submissions made by the parties. I have also perused the case diary.

6. Considering the background of the case as well as length of detention of

the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners, named above, shall be released on bail in connection with **Nagaon P.S. Case No. 707/2024 under Section 61(2)/318(4)/338/336(3)/340(1)/340(2) of BNS Act r/w Section 66(c)/66(D) of IT Act and Section 25(1)(A) of Arms Act**, on furnishing bail bond of **Rs.1,00,000/- each with two suitable sureties each** of the like amount out of which one of the sureties should be a Government employee of Assam, to the satisfaction of learned CJM, Nagaon, Assam.

8. The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Nagaon, Assam without prior written permission from him/her;

(b) 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;

(c) shall not hamper with the investigation, or tamper with the evidence of the case.

9. In the view of the above, the bail application stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant