

GAHC010167252024



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

Case No. : Bail Appln./2481/2024

RUHUL AMIN BARBHUIYA @ SUNNY AND ANR
S/O HIFZUR RAHMAN BARBHUIYA, VILL- DUDHPUR BALIUNA, P.S. AND
DIST-HAILAKANDI, ASSAM

2: HUSSAIN AHMED LASKAR @ DILBAHAR @ BAPPON
S/OSAIKUL ISLAM LASKAR
VILL- DUDHPUR BALIUNA
P.S. AND DIST-HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA, S. M. ZINNA, MS A BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.08.2024

1. Heard learned counsel Mr. A. M. Barbhuiya for the petitioners namely, (i)

Ruhul Amin Barbhuiya @ Sunny and (ii) Hussain Ahmed Laskar @ Dilbahar @ Bappon.

2. This application has been filed by the petitioners under Section 483 of the BNSS, 2023 with prayer for bail as he is behind bars since 26.06.2024 in connection with Hailakandi P.S. Case No. 155/2024 under Section 120(B)/385/387 of the IPC corresponding to GR Case No. 507/2024.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he is involved in calling the informant through a particular mobile number and demanding a sum of Rs. 5 lacs with threats to kidnap his son. It is further submitted on behalf of the petitioner that the informant's son has not been kidnapped and it is falsely alleged that the petitioner had called the informant through a mobile number- 07096434598 and demanded Rs. 5 lacs lest he would kidnap the informant's son.

5. Learned Additional Public Prosecutor has raised serious objection stating that the Case Diary has to be perused to consider the bail petition.

6. It is submitted on behalf of the petitioner that the petitioner is behind bars for 54 days.

7. It appears that custodial detention may not be required for further progress of the investigation. Investigation has presumably progressed to a considerable extent.

8. The petitioner is a local resident and not a flight risk. He is willing to abide by any stringent bail conditions, if imposed upon him.

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

(i) the petitioner shall refrain from such activities with which he is alleged,

(ii) the petitioner shall not exercise threats to the witnesses, and

(iii) the petitioner 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