

GAHC010170342024



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

Case No. : Bail Appln./2526/2024

MD. SAYED ALI
S/O LATE BASIR ALI, R/O VILL- HAJO, SANIYADI, P.S.-HAJO, DIST-
KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K BARMAN, MR. R KONWAR, MR H ALI, MD N ABED

Advocate for the Respondent : PP, ASSAM, MR. S RAHMAN(INFORMANT), MD R
ISLAM(INFORMANT), MS F HUSSAIN(INFORMANT), MR S M ABDULLAH P(INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11.09.2024

Heard Mr. H.Ali, learned counsel for the petitioner as well as Mr. B.B.Gogoi, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. S.M.Abdullah P, learned counsel for the informant/ respondent No.2.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya

Sanhita, 2023 the accused-petitioner, namely, **Md. Sayed Ali** has prayed for grant of bail in connection with **Patacharkuchi P.S. Case No.138/2024** under Sections 103(1)/109/118 (2)/190/329 (4) of the BNS r/w Section 25 (1) (a) /27/35 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody for last 69 days since his arrest on 04.07.2024. His name is not mentioned in the FIR. The allegation against the present petitioner is that he has given shelter to one FIR named accused Manohar Ali. It is further submitted that the alleged offence against the accused comes under the purview of Section 249 of the BNS which relates to harbouring the offender and the punishment for the offence is 5 years wherein the mandatory period is 60 days. The petitioner has completed the mandatory period of 60 days and as such, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that the petitioner is not the main accused. The allegation against the petitioner is that he has given shelter to one of FIR named accused and as such, length of detention of the petitioner may be considered.

Learned counsel for the informant has made no objection against the prayer of the petitioner.

Having heard learned counsel for the parties and on perusal of the case diary, it appears that the petitioner is in judicial custody for last 69 and as such, considering length of detention, the prayer for bail is hereby granted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **CJM, Bajali** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, Bajali** 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