

GAHC010174192024



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

Case No. : AB/2245/2024

KHAIRUL ISLAM
S/O ABDUL MANNAN
RESIDENT OF VILLAGE KARAIKHOWA, PO KHARMUJA, PS BAGUWAN,
DIST GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BYY THE PP ASSAM

Advocate for the Petitioner : P BURAGOHAIN, MR. C. SHIL,MR S C DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

11.09.2024

1. Heard learned counsel Mr. S. C. Das for the petitioner Khairul Islam.
2. The petitioner has filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with

Mornai P. S. Case No. 54/2024 corresponding to GR Case No. 793/2024 under Sections 126(2)/308 (2)/351(1)(3) of the BNS.

3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. The FIR unfolds that on 08.08.2024, at about 2:30 p. m., the petitioner arrived at Paharsingpara with his other aides on a four wheeler and took photographs and threatened the driver of the informant and extorted a sum of Rs. 5000/- by false allegations that they have been illegally carrying sand with the help of a dumper.
5. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. I have scrutinized the Case Dairy. Indeed there are incriminating materials in the Case Diary against the petitioner.
6. It is submitted on behalf of the petitioner that no offence under Section 308(2) of the BNS has been made out against the petitioner. The other offence alleged against the petitioner are bailable offences. The petitioner was trying to stop illegal sand mining but a false case has been slammed against the petitioner.
7. I have considered the submission that the petitioner is willing to co-operate with the remaining part of investigation and to abide by any stringent bail

conditions if imposed upon him.

8. In view of my foregoing discussions, petition is allowed. Meanwhile, in the event of his arrest, the petitioner shall be enlarged on bail of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- (i) The petitioner shall appear before the Investigating Officer within 1 (One) week and co-operate with the investigation,
- (ii) The petitioner shall refrain from such activities with which he is alleged,
- (iii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and
- (iv) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant