

GAHC010186522024



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

Case No. : Bail Appln./2720/2024

ANISUJ JAMAN KHANDAKAR ALIAS MUNNA
S/O- KHOSRUL ISLAM KHANDAKAR,
VILLAGE- OKCHEK PATHAR, MURAJHAR,
P.S- MURAJHAR,
DIST- HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : RAFIUL ALOM AHMED, MR M AHMED, MRS R BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

11.09.2024

1. Heard Mr. R. A. Ahmed, learned counsel for the petitioner Anisuj Jaman Khandakar @ Munna.
2. The petitioner has filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 16.08.2024 in connection with Doboka P.S. Case No. 149/2024 registered under Section 351(1) of the BNS read with Section 67(A) of the IT Act.

3. Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised objection stating that the offence committed by the petitioner is of grave nature and the bail petition cannot be considered without the perusal of Case Diary.

5. Learned counsel for the petitioner has submitted that vide order dated 03.09.2024 in connection with B.A. No. 469/2024, the Learned Sessions Judge, Hojai has rejected the bail application of the petitioner after the perusal of Case Diary holding that there are incriminating materials in the Case Diary against the petitioner.

6. The FIR unfolds that the victim 'X' is a student of Nagaon College and the accused, Farhan Siddique had recorded obscene pictures and videos of the victim and threatened to upload the videos in social media platforms. The victim's father then informed Nizam Uddin Chowdhury about the incident but received no response from him.

7. Learned Additional Public Prosecutor has raised objection that the petitioner was forwarded with the allegation that he is the one who has recorded the obscene videos.

8. I have considered the submissions at the Bar with circumspection. I have considered the submission that the petitioner has been behind bars for 28 days.

9. It appears that investigation may have presumably progressed to a considerable extent. The petitioner has pledged to co-operate with the

remaining part of investigation and to abide by any stringent bail conditions if, imposed upon him.

10. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Hojai under the conditions that:

- (i) The petitioner shall co-operate with the remaining part of the investigation,
- (ii) The petitioner shall refrain from such activities with which he is alleged
- (iii) The petitioner shall not go anywhere near the vicinity of the victim,
- (iv) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and
- (v) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

12. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant