

GAHC010186862024



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

Case No. : Bail Appln./2742/2024

TOPUBAN SAIKIA
S/O- RANJIT SAIKIA, R/O- WARD NO. 3 SONARI TOWN, P.S. SONARI, DIST.
CHARAIDEO.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22/10/2024

Heard Mr. D Gogoi, learned counsel for the petitioner and Ms. S Bora Hazarika, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, **Topuban Saikia**, son of Ranjit Saikia, resident of Ward No. 3, Sonari Town, P.S. Sonari, District-Charaideo, seeking bail in connection with **Bihubar P.S.**

Case No. 09/2024 registered under Sections 61(2)/308(2)/3(5) of B.N.S. read with Sections 10/13 of the UA(P) Act of 1967 corresponding to G.R. No. 73/2024, wherein he was arrested on 15.07.2024 and is in custody since then.

3. The brief facts of the case is that on 06.07.2024 at about 05:34 PM, while the brother of the complainant, namely, Tittu Agarwalla, was sitting in his shop at Santak Panch Ali, he was given a letter covered with an envelope by two unidentified bike riders through a minor boy from Santak T.E. However, he did not open it and went to Rajasthan on the same day. On 12.07.2024, his brother received an intimation call from an unknown number in the name of banned outfit ULFA demanding a sum of Rs.10,00,000/- as extortion money. Later on, the complainant also came to know that on the same day, his elder brother, namely, Sri Bikash Agarwalla had also received a letter containing envelop from two helmet worn bike riders demanding an extortion of Rs.15,00,000/- from him.

4. Ms. S Bora Hazarika, learned Additional Public Prosecutor, Assam has submitted that she has received the relevant case diary and that charge-sheet in said Bihubar P.S. Case No. 09/2024 is yet to be submitted.

5. Perused the case diary placed before the Court today by Ms. S Bora Hazarika, learned Additional Public Prosecutor, Assam.

6. The petitioner was arrested 15.07.2024 in connection with Bihubar P.S. Case No. 09/2024 and since then, he is in custody for about 99 days, but police failed to submit the charge-sheet within the statutory period of 90 days.

7. In view of the above, the petitioner is entitled for default bail in said Bihubar P.S. Case No. 09/2024.

8. Considering the entire aspects of the matter and as the petitioner has already completed the statutory period of his detention in custody since 15.07.2024, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Bihubar P.S. Case No. 09/2024. As such, this bail application of the petitioner in said Bihubar P.S. Case is accepted.

9. Accordingly, the petitioner, namely, **Topuban Saikia**, be released on bail in said **Bihubar**

P.S. Case No. 09/2024 registered under Sections 61(2)/308(2)/3(5) of B.N.S. read with Sections 10/13 of the UA(P) Act of 1967 corresponding to G.R. No. 73/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, both of them shall be Government Employees either Central and/or State Government, to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nazira, Sivasagar, on conditions that he – (i) shall appear before the Investigating Officer of said Bihubar P.S. Case No. 09/2024 and shall co-operate with the investigation of the said case and further, shall make himself available before the Investigating Agency, whenever he is required for necessary investigation of the case; (ii) shall not hamper with the investigation, or tamper with the evidence of the case; (iii) shall not leave the territorial jurisdiction of the learned Sub-Divisional Judicial Magistrate, Nazira, Sivasagar, without obtaining prior written permission from the said authority; (iv) 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 them from disclosing such facts to the Court or to any police officer and (v) shall not involve himself with any criminal activities, failing which, the bail granted to him in the aforesaid Bihubar P.S. Case No. 09/2024 shall stand automatically vacated.

10. Bail application accordingly stands allowed to the extent above.

11. Return the case diary.

JUDGE

Comparing Assistant