

GAHC010191252024



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

Case No. : Bail Appln./2824/2024

MAZHARUL ANWAR CHOUDHURY @ MAJHARUL ANWAR CHOUDHURY
S/O SAWKAT ALI CHOUDHURY, VILL- DAKHIN SUNAPUR PART-II,P.O.
SAMARIKUNA, P.S. AND DIST. HAILAKANDI, ASSAM, PIN-788155

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. S B LASKAR, MS D DUTTA,MR. H A LASKAR
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

15.10.2024

Heard Mr. H. A. Laskar, learned counsel appearing for the accused petitioner as well as Mr. K. K. Das, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Mazharul Anwar Choudhury @ Majharul Anwar Choudhury**, has prayed for grant of bail in connection with **Special (UAPA) Case No. 02/2024 arising out of Lala**

PS Case No. 157/2024 under Sections **61(2)/196/147 BNS, R/W Section 39 UA(P) Act.**

The learned counsel for the petitioner submits that the petitioner has not posted any incriminating remark in the face book group as alleged in the FIR. The petitioner is a law abiding citizen of India and he has no any criminal antecedent.

It is further submitted that the police interrogated him and no police remand has been sought for further investigation of the case. The petitioner has been languishing in judicial custody for last 66 days since his arrest on 10.08.2024. Considering the length of detention, prayer for bail may be considered.

According to learned counsel for the petitioner, the petitioner was not maintaining the face book group as group Admin and as such the incriminating face book post was made without his approval. The petitioner's phone has already been seized by police. The petitioner is not active in the face book group and he was unaware of the face book post. It was only after his arrest on 10.08.2024, the petitioner came to know about the same. Hence, the learned counsel for the petitioner prays to release the accused on bail.

In response, Mr. Das, learned Additional Public Prosecutor has produced case diary and submits that as per case diary, the accused petitioner uploaded the offensive post in the group namely, "Amader Hailakandi". If anyone wants to post anything in face book group, it needs to be approved the post by group admin and in respect of this case, the petitioner is the group admin of the alleged face book group and he is involved in the case as he had approved the post in the group. It is further submitted that the petitioner did not delete the post even spreading religious disharmony between the different communities.

Hence, learned Additional Public Prosecutor has opposed in granting bail to the petitioner at this stage of investigation.

Having heard the learned counsel for the parties as well as perusal of case diary, it reveals that investigation is still in progress which may culminate much more information in connection with this case. At this stage, this Court is of the view that the submission of learned Additional Public Prosecutor has some force.

Hence, this Court is not inclined to grant bail to the petitioner at this stage of investigation.

Accordingly, the bail prayer of the petitioner stands rejected.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant