

GAHC010192712024



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

Case No. : Bail Appln./2841/2024

SUBEN BRAHMA @ NERSWN WARY
S/O FUREN BRAHMA
R/O NO. 2 PANBARI, P.S. GOSSAIGAON, DIST. KOKRAJHAR, BTC, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. I A TALUKDAR, MS N.RAHMAN,MR. B HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08.10.2024

Heard Mr. I.A. Talukdar, learned Counsel for the petitioner. Also, heard Mr. R. R. Kaushik, learned Addl. Public Prosecutor for the State respondent.

2. This is an application under Section 483(1) of BNSS, 2023 for grant of bail in favour of accused/petitioner i.e. Suben Brahma @ Nerswn

Wary, who has been arrested on 14/08/2024 in connection with Bagribari P.S. case no. 66/2024 under Section 296/351(2) of BNS, R/W Section 67 of Information Technology Act and Section 25 of Arms Act.

3. The case of the prosecution is that the informant lodged an FIR on 13/08/2024 alleging that on 09/08/2024, the accused person distributed deadly weapons to his friends and threatened the Chief of BTR with derogatory comments and viral the same through Facebook. Therefore, it was suspected that the accused/petitioner has got illegal arms and accordingly the FIR was registered.

4. Mr. I.A. Talukdar, learned Counsel for the petitioner submits that no arms or ammunition as alleged have been recovered from the possession of the petitioner. He further submits that due to his political acrimony with the local self government the present FIR has been lodged against him.

5. Per contra, Mr. R. R. Kaushik, learned Addl. P.P., submits that the case diary reveals that no arms, ammunition have been recovered. He further submits that the petitioner was last examined on 15/08/2024. He further submits that from the materials available on record, nothing adverse has been found against the antecedent of the petitioner.

6. Heard the learned Counsels for both the parties and perused the material available on record, including the case diary.

7. It appears that the investigation has been substantially progressed. It further appears that the petitioner has been languishing in the jail since the last 57 days. It further appears that no arms, ammunition as alleged in the FIR have been recovered by the Investigating Officer

during the course of the investigation. It further appears that the statements of all the witnesses and the accused have already been recorded under Section 180 of BNSS. It further appears that the petitioner was last examined on 15/08/2024. As such, further detention of the petitioner may not be justified for the ongoing investigation.

8. Considering the facts and circumstances of the case, it is provided that the petitioner named Suben Brahma @ Nerswn Wary, shall be released on bail in connection with Bagribari P.S. case no. 66/2024 under Section 296/351(2) of BNS, R/W Section 67 of Information Technology Act and Section 25 of Arms Act, on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) only, with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kokrajhar.

9. The bail granted to the accused/petitioner shall be subject to the following conditions:-

- (i) The petitioner shall co-operate with the investigation,
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- (iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail order shall stand cancelled.

- 10.** With the above observations, this bail application stands allowed.
- 11.** This disposes of the bail application.
- 12.** Send back the case diary.

JUDGE

Comparing Assistant