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

Case No. : Bail Appln./2901/2024

SALAUDDIN CHOUDHURY
S/O ABDUL BARIK CHOUDHURY
R/O BASKANDI KAJIGRAM
P.S. LAKHIPUR
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR. JUNM LASKAR, MS. J GHOSH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

09.12.2024

None appears for call for the petitioner. Heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam, who has also produced the case diary.

2. The petitioner, namely, Salauddin Choudhury @ Juneth who was arrested on 04.09.2024, is seeking regular bail under section 483 of the BNSS-2023 in connection with Basistha P.S. Case No. 664/2010 under sections 365/368/364 A IPC.
3. The case diary produced by the learned APP, reveals sufficient incriminating materials against the petitioner. It also appears that the informant's son was found missing since 11 A.M on 12.12.2010. The said missing person had a mobile and after tracking of the said mobile through its IMEI number, the same was traced to the petitioner. The investigation reveals that the petitioner uses the alias of Salauddin Choudhury @ Juneth as well as Dinesh Choudhury.
4. Be that as it may, having note of the fact that the petitioner was arrested on 04.09.2024 and since then he is in custody till date, even assuming that any charges that may be framed against the petitioner would be as sessions triable case, still he would be entitled to get default bail by applying the provisions of Section 187 (3) of the BNSS, 2023.
5. Accordingly, this application stands allowed.
6. Hence, the Court is inclined to grant bail to the petitioner, namely, Salauddin Choudhury @ Juneth in connection with the aforesaid case on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand only) with 2 (two) suitable and solvent sureties

of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati.

7. The bail is granted on the following conditions:

i. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

ii. The petitioner 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 him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

iii. The petitioner shall not obstruct the smooth progress of the investigation/trial.

iv. The petitioner shall not misuse his liberty in any manner.

v. The petitioner shall appear before the I/O once in a month till his appearance is no longer required or till charge-sheet is filed, whichever is earlier.

8. It is also provided that if the petitioner fails to appear before the I.O, as directed, it would be open to the Investigating Officer to move the jurisdictional Court for cancellation of bail.

9. It would also pertinent to state here that today when the order is passed, the petitioner is unrepresented.

10. This application stands disposed of.
11. Let the case diary be returned.

JUDGE

Comparing Assistant