

GAHC010201472024



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

Case No. : Bail Appln./2944/2024

AYUB ALI AND ANR
S/O SAMSUL HAQUE
RESIDENT OF VILLAGE GOANBURHAPAM, PS SUALKUCHI RIVER, DIST
KAMRUP ASSAM

2: MAHIBAR ALI
S/O HAZARAT ALI
RESIDENT OF VILLAGE GOANBURHAPAM
PS SUALKUCHI RIVER
DIST KAMRUP ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MD. SAFIQL ISLAM, MR. M ISLAM, MR. N UDDIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-10-2024

Heard Mr. N. Uddin, learned counsel for the petitioners, **1.** Ayub Ali **2.** Mahibar Ali, who have filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 21.08.2024 in connection with North Guwahati P.S. Case No.114/2024 under Sections 303(2)/317(2)/3(5) of the BNS, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam.

3. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the case diary against the petitioners. Several account details of several persons have been found in the custody of the petitioners in their mobile phone.

4. Learned Additional Public Prosecutor has raised serious objection in granting bail to the petitioners as the investigation is still under progress.

5. I have scrutinized The Case Diary and there are incriminating materials against the petitioners in the case diary. On suspicion there was a search conducted in the rented room of the petitioners and three mobile hand sets, three sim cards and four debit cards, a visa card and a thumb scanner were recovered from their possession. The investigation of the case has progressed to a considerable extent. It appears that further custodial detention may not be required for further investigation of the case.

6. Considering all aspect, I deem it proper to grant bail to the petitioners. The petitioner are enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety each of the like amount to the satisfaction of the learned CJM, Kamrup (Amingaon) under the conditions that :

(i) the petitioners shall appear before the Investigating Officer on every fortnight till completion of investigation,

(ii) the petitioners shall refrain from such activities with which they alleged;

(iii) the petitioners shall not leave jurisdiction of the Court without prior permission.

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

8. In terms of the above observation, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant