

GAHC010202132024



2024:GAU-AS:9621

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

Case No. : Bail Appln./2949/2024

MUHAMMAD SARWAR AND ANR
S/O LATE JANGUL, R/O CHAPAGURI ROAD, WARD NO. 8, P.S.-
BONGAIGAON, DIST- BONGAIGAON, ASSAM

2: MOHAMED ZAKRIA @ MD ZAKARIA
S/O ABDUL KARIM
R/O WARD NO. 10
CHAPAGURI ROAD
NORTH BONGAIGAON
P.S. AND DIST- BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

25.09.2024

Heard Mr M Khan, learned counsel for the petitioners, 1) Muhammad Sarwar and 2) Mohamed Zakria @ Md Zakaria, who have filed this application under Section 483 of

the BNSS, 2023, with prayer for bail as they are behind bars since 06.09.2024 and 13.09.2024, respectively, in connection with Bongaigaon PS Case No. 308/2024, registered under Sections 61(2)(a)/319(2)/ 318(4)/308(2)/351(3) of the BNS, 2023.

2. Also heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.

3. It is submitted on behalf of the petitioners that the petitioners are working under a licensed money lender, i.e., Rahimuddin Khan. It is submitted that a false case has been brought up against the petitioners that they have been extorting innocent citizens in lieu of money lent to them. The petitioners have prayed for bail on these grounds.

4. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the present petitioners.

5. I have scrutinized the Case Diary.

6. It is true that investigation is still at its nascent stage, but it appears that bail may be granted to the petitioners.

7. It appears that investigation may not be adversely affected if the petitioners are granted bail on certain conditions.

9. Considering all aspects, petition is allowed. Both the petitioners are enlarged on bail on furnishing bail bonds of Rs. 30,000/- each, with one suitable surety each of the like amount to the satisfaction of the learned CJM, Bongaigaon, under the conditions

that-

- i) the petitioners shall refrain from such activities with which they are alleged,
- ii) the petitioners shall appear before the IO on every fortnight and cooperate with the investigation, till completion of investigation,
- iii) the petitioners shall not exercise threats to the witnesses and the victims and try to influence them, and
- iv) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

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

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant