

GAHC010211782024



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

Case No. : Bail Appln./3116/2024

ABDUL ALIM BARBHUIYA @ SABU AND ANR
S/O LATE MUHIBUR RAHMAN BARBHUIYA, R/O VILL- NIZ-JALALPUR
PART-II, P.O.-JALALPUR, P.S.-KALAIN, DIST-CACHAR, ASSAM

2: ISLAM UDDIN BARBHUIYA @ BABUL
S/O SAMIR UDDIN BARBHUIYA
R/O VILL- NIZ-JALALPUR PART-I
P.O.-JALALPUR
P.S.-KALAIN
DIST-CACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N H LASKAR, MS. J GHOSH, MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 05.11.2024

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioners as well

as Mr. M.P. Goswami, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 483 of the BNSS, 2023 whereby the petitioners, 1. Abdul Alim Barbhuiya @ Sabu and 2. Islam Uddin Barbhuiya @ Babul have prayed for releasing them on bail, after they were arrested in connection with Kalain P. S. Case No. 222/2024 under Sections 189(2)/191(2)/191/190/61(2)/137(2)/62/126(2)/117(2)/118(2)/109/309(4)/196/299 of the BNS, 2023.

3. In this case, earlier the injury report of the victims were called for. Today, the injury report of Kanak Nath has come, which shows that he sustained simple injuries caused by blunt weapon.

4. Mr. Biswas has submitted that the period of detention already undergone by the petitioners in custody should be taken as a ground for releasing them on bail. Mr. Biswas further submits that a quarrel in a football match between young boys has been given a religious colour.

5. Mr. Goswami submits that the injury report of Sajal Das has not yet been received. Therefore, Mr. Goswami prays for some time.

6. I have considered the submissions made by the learned counsels of both sides.

7. On a plain reading of the FIR, it is clear that the incident has been given the religious colour itself.

8. After hearing the learned counsels of both sides, this Court is of the opinion that under the given circumstances of the case, the period of detention already undergone by the petitioners in custody should be taken as a ground for releasing them on bail. Therefore, their bail application is allowed.

9. The petitioners, namely, 1. Abdul Alim Barbhuiya @ Sabu and 2. Islam Uddin Barbhuiya @ Babul, who were arrested in connection with Kalain P. S. Case No. 222/2024, shall be released on bail of Rs.25,000/- each with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Cachar, Silchar.

10. The bail application stands disposed of accordingly.

CD shall be returned.

JUDGE

Comparing Assistant