

GAHC010223182024



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

Case No. : Bail Appln./3260/2024

ABDUL HIE
S/O LATE HABIBAR RAHMAN
VILL- MEDHIRTARY, P.O. GAJIA
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I A HAZARIKA, MS S DAS, MR. H ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

04.11.2024

Heard Mr. A. Ahmed, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. PP, Assam.

2. The petitioner in this case Abdul Hie has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 08.09.2024 in connection with Abhayapuri Police Station Case No. 216/2024 under Sections 316(2)/318(2), BNS R/W Sections 21(1)/21(2)/21(3), Banning of Unregulated Deposit Scheme Act, 2019.

3. The representative, Hasiful Islam of Gariya-Mariya- Deshi Jatiya Parishad has lodged an FIR alleging that the petitioner has misappropriated Crores of rupees at Abhayapuri through illegal Apps namely Hedgex with the help of Asraful Ahmed of Village-Tengnamari and with the help of Anowar Hussain, Deepak Paul of Village-Shivbari.

4. The learned Addl. PP has raised serious objection stating that the petitioner is the master mind and there are incriminating materials against the petitioner in the Case Diary. Through illegal Apps, he has induced innocent villagers to invest and has siphoned of Crores of rupees from the villagers.

5. The learned counsel for the petitioner has submitted that the petitioner has been behind bars for 57 days and has prayed for bail on the length of detention.

6. It is submitted that custodial detention may not be required for the progress of investigation.

7. It is further submitted that the co-accused has been granted bail. The petitioner has also prayed for bail on the ground of parity as well.

8. I have considered the submissions at the bar with circumspection.

9. I have considered the length of detention. Investigation may have presumably progressed substantially. It appears that further custodial detention may not be required for the progress of investigation. I have considered the

submission that the petitioner is willing to abide by any stringent bail conditions if imposed upon him.

10. Considering all aspects, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned SDJM(M) North Salmara, Abhayapuri under the conditions that :-

(i) the petitioner shall refrain from such activities with which he is alleged,

(ii) the petitioner shall cooperate with the remaining part of the investigation and appear before the Investigating Officer on every fortnight till completion of investigation

and,

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

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

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

JUDGE

Comparing Assistant