

GAHC010224332024



2024:GAU-AS:11169

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

Case No. : Bail Appln./3282/2024

LUTFUR RAHMAN CHOWDHURY AND 2 ORS.
S/O LATE FOIZUR RAHMAN
CHOWDHURY,
R/O VIL- SAMARALI TUP GAON,
CHOWDHURY BAZAR, P.S. MURAJHAR, DIST. HOJAI, ASSAM

2: ABDUL KHALEQUE BARBHUYAN
S/O LATE MAYUB ALI BARBHUYAN
R/O ALGAPUR PART-2

P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM

3: AMJAD HUSSAIN LASKAR @ AMZAD
S/O GIAS UDDIN LASKAR
R/O VILL- NITAINAGAR PART- 2
P.S. HAILAKANDI
DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 18-11-2024

Heard Mr. S. Nawaz, learned counsel for the petitioner Nos. 1. Lutfur Rahman Chowdhury, 2. Abdul Khaleque Barbhuyan and 3. Amjad Hussain Laskar @ Amzad, who have filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS for short) with prayer for bail as they are behind bars since 24.09.2024 and 27.09.2024 respectively, in connection with Hojai Police Station Case No. 286/2024 under Sections 61(2)/316(2)/318(4)/336(3) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that they being employees of an NGO have induced some students to pay consideration amounting to Rs.20,000-Rs.30,000/- each in lieu of procuring employment.

4. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary.

5. It is submitted on behalf of the petitioners that they have been behind bars for 52/55 days. One accused is yet to be arrested which indicates that investigation is unlikely to be concluded soon.

6. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. However, I have considered the submissions that the petitioners have been behind bars for 55 days and the petitioners are

willing to cooperate with the remaining part of investigation. I have also considered the submissions that the petitioners are local residents and they are not flight risks. The petitioners are willing to abide by any stringent bail conditions if imposed upon them.

7. Considering all aspects, petition is allowed. Petitioners are enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Hojai under the conditions that :

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

(ii) the petitioners shall cooperate with the remaining part of investigation,

(iii) the petitioners shall refrain from such activities with which they are alleged and,

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

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

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

10. Send back the Case Diary.

JUDGE

Comparing Assistant