

GAHC010228102024



2024:GAU-AS:11149

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

Case No. : Bail Appln./3332/2024

TUFAJJUL HOQUE @ TUFAJJAL HOQUE
S/O ABED ALI, VILL- ALIKASH, P.S.-KHARUPETIA, DIST-DARRANG
(ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A T SARKAR, MR S HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

25/11/2024

Heard Mr. A T Sarkar, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Tufajjul Hoque @ Tufajjal Hoque**, son of Abed Ali, resident of Village-Alikash, P.S. Kharupetia, District-Darrang, seeking bail in **Dalgaon P.S. Case No. 180/2024**

registered under Sections 61(2)/316(2)/318(4) of BNS, corresponding to G.R. No. 778/2024, wherein he was arrested on 27.09.2024 and is in custody since then.

3. As per the FIR lodged by the informant on 30.08.2024, the case is that the accused petitioner, who is an inhabitant of Godaijhar village under Dalgaon Police Station, in association with other accused persons, formed a committee in aid of construction of Kohinur Sangha and its library and by printing lottery ticket, the said committee sold it to the general public. The informant also purchased a lottery ticket from Kahinur Sangha and Library Construction Committee. On 29.07.2024, the Lottery Committee conducted the lottery game in which the informant won the 3rd prize, i.e., Maruti Ertiga. Though, the members of the said committee informed the informant and called him over phone to collect the winning prize, but on several times, when the informant reached at Godaijhar, Dalgaon to collect his prize from the said committee, the members of the said committee absconded from Godaijhar, Dalgaon. Accordingly, said FIR was registered as Dalgaon P.S. Case No. 180/2024 under Sections 61(2)/316(2)/318(4) of BNS.

4. Mr. Parashar, learned Additional Public Prosecutor, Assam, on instruction submitted that charge-sheet in said Dalgaon P.S. Case No. 180/2024 is yet to be submitted.

5. Since 27.09.2024, the petitioner is in custody for 60 days as on today and has already completed the statutory/mandatory period of his detention in custody.

6. In view of the above, the petitioner is entitled for his default bail in said Dalgaon P.S. Case No. 180/2024.

7. Accordingly, the petitioner, namely, **Tufajjul Hoque @ Tufajjal Hoque**, is granted default bail in said **Dalgaon P.S. Case No. 180/2024** registered under Sections 61(2)/316(2)/318(4) of BNS, corresponding to G.R. No. 778/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldai, on conditions that the petitioner — **(i)** shall appear before the Investigating Officer of said Dalgaon P.S. Case No. 180/2024 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Darrang, Mangaldai, without obtaining prior written permission from the said authority; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

them from disclosing such facts to the Court or to any police officer and **(v)** shall not involve himself with any criminal activities, failing which, the bail granted to him in the aforesaid Dalgaon P.S. Case No. 180/2024 shall stand automatically vacated.

8. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant