

GAHC010229612024



2024:GAU-AS:11178

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

Case No. : Bail Appln./3354/2024

ANOWAR HUSSAIN
S/O LATE JAINAL ABDIN, R/O VILLAGE GADHAIJHAR, P.S. DALGAON,
DISTRICT DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR D J DEKA, MR KUTUB ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.11.2024

1. Heard Mr. D. J. Deka, learned counsel for the petitioner Anowar Hussain.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 18.09.2024 in connection with Dalgaon P.S. Case No. 180/2024 under Sections

61(2)/316(2)/318(4) of the BNS.

3. Heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that the petitioner was involved in a lottery, being the President of the Construction Committee of Kohinur Sangha and Aba Library Hall. The lottery was held on 29.07.2024, and the petitioner along with the co-accused printed lottery tickets of 100 rupees. The informant purchased a ticket and he won the 3rd prize which is a Maruti Ertiga Car. He received a call from the above mentioned committee that he won the 3rd prize and he was to collect his prize. It is alleged that the informant could not find any committee members. When they called again, he reached there but finally the members disappeared. It is alleged that the committee members tried to sell the car which the informant had won through his lottery ticket.

5. Learned Additional Public Prosecutor has submitted that the Case Diary is lying in another bench. Case Diary has been called for by another bench in connection with bail matter of the co-accused.

6. I have considered the length of detention and the submission that the petitioner is willing to co-operate with the remaining part of investigation and to abide by any stringent bail conditions if imposed upon him.

7. Considering all aspects, petition is allowed. The petitioner shall be 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 CJM, Darrang, Mangaldai under the conditions that:

- (i) The petitioner shall co-operate with the remaining part of investigation,

(ii) The petitioner shall refrain from such activities with which he is alleged,

(iii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and

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

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

9. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant