

GAHC010230902024



2024:GAU-AS:12110

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

Case No. : Bail Appln./3383/2024

REJIYA KHATUN AND ANR
W/O ASHADUL RAHMAN, R/O VILL- NO. 2 ISLAMPUR, P.S.-LALUK, DIST-
LAKHIMPUR, ASSAM

2: ATIQUL ISLAM
S/O SHAHED ALI
R/O VILL- NO. 2 ISLAMPUR
P.S.-LALUK
DIST-LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Ms. P Borah, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioners, namely, **(1) Rejiya Khatun**, wife of Ashadul Rahman and **(2) Atiqul Islam**, son of Shahed Ali, both resident of Village No.2 Islampur, Police Station-Laluk, District-Lakhimpur have filed this application under Section 483 BNSS, 2023, seeking bail in **Laluk P.S. Case No. 166/2024** registered under Sections 61(2)/318(4)/316(2) of BNS, corresponding to G.R. No. 781/2024 wherein, they were arrested on 02.10.2024 and in custody since then.

3. As per the FIR dated 02.10.2024 lodged by the complainant before the Officer-in-Charge of Laluk Police Station, alleging that the petitioner sold fake gold to him taking Rs.5,60,000/- in the bank account of the petitioner No.1 and thereby cheated him.

4. On being enquired, Mr. B. Sarma, learned Addl. PP submitted that till date, police has not filed the charge-sheet in said Laluk P.S. Case No. 166/2024.

5. As in the meanwhile, the petitioners have already completed their statutory period of detention in said Laluk P.S. Case No. 166/2024, they are entitled for their default bail.

6. Accordingly, the petitioners, namely, **(1) Rejiya Khatun**, wife of Ashadul Rahman and **(2) Atiqul Islam**, son of Shahed Ali, are granted default bail in said Laluk P.S. Case No. 166/2024 on furnishing a bail bond of Rs. 50,000/- each with two local sureties each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur on conditions that the petitioners – **(i)** shall

appear before the Investigating Officer of said Laluk P.S. Case No. 166/2024 as and when they are required for necessary investigation of said Laluk P.S. Case; **(ii)** shall not leave the territorial jurisdiction of Laluk Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(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 themselves in any criminal activities.

7. Any violation of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in said Laluk P.S. Case No. 166/2024 shall stand automatically vacated.

8. The bail application accordingly stands disposed of to the extent above.

JUDGE

Comparing Assistant