

GAHC010237862024



2024:GAU-AS:12212

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

Case No. : Bail Appln./3455/2024

SRI RAHUL MOHAN
S/O LATE BOLURAM MOHAN
R/OMODHUMONI (MOUDUMUNI)
NEAR NIJORA SCHOOL
P.S. MORANHAT
DIST. CHARAIDEO
ASSAM
PIN-785673

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. P P DUTTA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

03-12-2024

Heard Mr. P.P. Dutta, learned counsel for the petitioner and Mr. B. Sarma,
learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Sri Rahul Mohan**, son of late Boluram Mohan, resident of Modhumoni, (Moudumuni), Near Nijora School, Police Station-Moranhat, District-Charaideo is seeking bail in **Panbazar Police Station Case No.202/2024** registered under Sections 55/61(2)/147/148/149/152/196/197 of BNS, 2023, read with Sections 4/5 of the Explosive Substance Act, 1908, read with Sections 10/13 of the Unlawful Activities (Prevention) Act, 1967 corresponding to G.R. No. 4779/2024, in which he was shown arrested on 09.09.2024 and is in custody since then.

3. As per the FIR dated 06.09.2024 the case is that on the evening of 14.08.2024 a video was released by a banned organization that it will protest against the Independence Day of India that it will be a military protest to be carried out across the State of Assam and directed the people of Assam to boycott the Independence Day Celebration stating that such military protest by the banned organization shall be carried out by it on 15.08.2024 from 06:00 AM to 12:00 noon. Another leader of the said banned organization also made a press release in that regard. As per the press release bombs/IEDs had been planted at several locations across Assam and also in the city of Guwahati and one of them in a shop at Panbazar, Guwahati.

4. Police personnel carried out a thorough search within the Guwahati city during which on 16.08.2024 one of the suspicious sealed package was found near Brahmaputra Udyog, Motilal Nehru Road in Panbazar area beneath a particular shop on the side of the road. The Bomb Disposal Squad reached the said place and taking all precautions, checked the suspected package and found 1 kg suspected explosive substance in a cylindrical tin can fitted with electronic detonator, electrical batteries and electrical circuits. Later, the said suspected

bomb was defused. Later on, the police personnel seized the dismantled suspected explosive and related items in presence of witnesses. Accordingly, the said FIR was lodged before the Panbazar Police Station, which was registered as **Panbazar Police Station Case No.202/2024** registered under Sections 55/61(2)/147/ 148/149/152/196/197 of BNS, 2023, read with Sections 4/5 of the Explosive Substance Act, 1908, read with Sections 10/13 of the Unlawful Activities (Prevention) Act, 1967 corresponding to G.R. No. 4779/2024.

5. Mr. Dutta, learned counsel from the forwarding report dated 09.09.2024 placed before the Court that only on mere suspicion he has been taken into custody in said Panbazar Police Station Case No.202/2024, who was already apprehended in connection with Satgaon P.S. Case No. 118/2024 on 05.09.2024.

6. By placing the order dated 22.10.2024, passed by the learned Additional Sessions Judge, FTC No.2, Kamrup (Metro), Guwahati while rejecting the bail of the petitioner in said Panbazar P.S. Case, Mr. Dutta pointed out that the learned Court in the said order dated 22.10.2024 clearly indicated that there is no direct evidence against the petitioner with regard to his involvement in planting the explosive substances, like the members of the banned organization suggest excepting that he had complicity in the commission of the alleged offence and he appears to be a part of criminal conspiracy made in an attempt to wage war against the Government of India and therefore, the bail of the petitioner was rejected by the learned Court below by order dated 22.10.2024.

7. Perused the case diary of said Panbazar Police Station Case No.202/2024 placed before the Court today by Mr. Sarma, learned Addl. PP. Also perused the note of the Investigating Officer of the case relating to the petitioner, which did not indicate about the involvement of the petitioner in planting any such

bomb/IEDs in and around Guwahati and in other places during the period of Independence Day celebration on 15.08.2024 except indicating that the petitioner while in jail custody at Sivasagar during 2023-24, had acquaintance with some of the members of the said banned organization, who on being arrested, were lodged in said Sivsagar jail.

8. Considering such materials in the case diary and the period of detention of the petitioner in custody since 09.09.2024, the Court is of the view that his further custodial detention is not warranted for investigation of said Panbazar Police Station Case No.202/2024. As such, this bail application of the petitioner is accepted.

9. Accordingly, the petitioner, namely, **Sri Rahul Mohan**, son of late Boluram Mohan, is granted bail in said **Panbazar Police Station Case No.202/2024**, if not wanted in any other criminal case, on furnishing a bail bond of Rs. 1,00,000/- with two local sureties, each of the like amount, one of which shall be government employee, either State Government or Central Government, to the satisfaction of the learned Sessions Judge, Kamrup (Metro), Guwahati on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said **Panbazar Police Station Case No.202/2024** on every Monday during the office hours for the next 2(two) English Calendar Months, commencing from **16.12.2024** or till filing of the charge-sheet in the case, whichever is earlier; **(ii)** shall also appear before the Investigating Officer of Satgaon Police Station Case No.118/2024 as and when he is required for necessary investigation of the case; **(iii)** shall surrender his passport, if any, before the learned Sessions Judge, Kamrup (Metro), Guwahati on or before 16.12.2024; **(iv)** shall not leave the territorial jurisdiction of the learned Sessions Judge, Kamrup (Metro), Guwahati, without obtaining prior written

permission from the said authority; **(v)** shall not hamper with the investigation or tamper with the evidence of the case; **(vi)** 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 further **(vii)** shall not indulge himself in any such criminal activities in future, failing which, the bail granted to him in said Panbazar Police Station Case No.202/2024 shall stand automatically vacated.

10. Any violation of the aforesaid terms and conditions by the petitioner, **Sri Rahul Mohan**, the bail granted to him in said Panbazar Police Station Case No.202/2024 shall stand automatically vacated.

11. The Bail application accordingly stands disposed of.

12. Return the case diary.

JUDGE

Comparing Assistant