

GAHC010239752024



2024:GAU-AS:12317

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

Case No. : Bail Appln./3483/2024

HAIDER ALI @ HAIDAR ALI KHAN,
S/O. LATE ABDUL KUDDUS KHAN, R/O. VILLAGE CHAILABARI PT - I P.S.
MERERCHAR, DISTRICT BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR, MR. JUNM LASKAR, MS. J GHOSH

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

05.12.2024

Heard Mr. JUNM Laskar, learned counsel for the petitioner. Also heard Ms. S. H. Borah, learned Additional Public Prosecutor for the State respondent.

This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot since 02.11.2024 in connection with Abhayapuri P.S. Case No. 202/2024 registered under Sections 308(2) of BNS read with Section 7 of P.C. Act, 1988.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Laskar, that the petitioner is innocent and is in no way involved in the alleged offence. He further submits that the petitioner was arrested purely on suspicion on 02.11.2024 and was thereafter produced before the learned Special Judge along with the forwarding report. Since then, the petitioner has been in judicial custody. Furthermore, upon inquiry, the Investigating Officer (IO) submitted that no further remand is required for the petitioner, for the purpose of the investigation. He also submitted that the petitioner is involved in the pharmacy business and has no connection with the accused, namely Khalilur Rahman. The petitioner is neither a staff member of the office of the informant nor was he involved in demanding bribes from people under the pretext of facilitating certain official tasks. Additionally, the petitioner has been in custody for the last 33 days. Considering the length of detention undergone by the petitioner and

the fact that the IO has also stated that no further remand or custodial interrogation is required, it is prayed that the petitioner may be granted bail.

On the other hand, the learned Additional Public Prosecutor, Ms. S. H. Borah, has submitted that the accused/petitioner is involved in the alleged offence. Despite receiving the notice under Section 35(3) of the BNSS, the accused/petitioner has not appeared before the IO. Therefore, there is a possibility of hampering or tampering with the witnesses, which cannot be ruled out. She accordingly raised objections to granting bail to the accused/petitioner.

Considering the submissions of learned counsels for both sides, as well as the materials available in the Case Diary and also considering the length of detention already undergone by the accused/petitioner, i.e. 33 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Kamrup (M), the accused/petitioner, namely, Haider Ali @ Haider Ali Khan, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner 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 him from disclosing such facts to

the Court or to any police officer; and

- (iii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Kamrup (M), without prior permission.

In terms of above, this bail application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant