

GAHC010242372024



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

Case No. : Bail Appln./3517/2024

MILAN DAIMARI
S/O LATE BHABESH DAIMARI
R/O RAJAPARA
P.S. BOKO
DIST. KAMRUP

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.11.2024

1. Heard Mr. F. Haque, learned counsel for the petitioner Milan Daimari.
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

08.11.2024 in connection with Boko P.S. Case No. 492/2024 under Sections 308(4)/308(5)/351(2)/3(5) of the BNS.

3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he along with his companions have been extorting money in the name of "Kutumba Suraksha Parishad". It is submitted on behalf of the petitioner that the petitioner is not the organizer. The leader and the organizer is Rahul Rabha. On the contrary, the police have also been taking cuts out of the collected money in which the petitioner is not all involved.

5. Learned Additional Public Prosecutor has raised serious objection stating that Case Diary is necessary to consider the bail petition.

6. I have considered the submission on behalf of the petitioner that the petitioner is willing to cooperate with the remaining part of the investigation and he is willing to abide by any stringent bail conditions, if imposed upon him. The petitioner is a local resident and he is not a flight risk.

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 J.M.F.C., First Class, Boko under the conditions that:

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

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

(iii) 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