

GAHC010246342024



2024:GAU-AS:11681

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

Case No. : Bail Appln./3538/2024

ABU KAUSEAR
S/O MOHD ABDUL MOTIN
R/O VILL- CHAMATA PATHAR
P.S. SONAPUR
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R SARMA, MR. B.J. BRAHMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 26.11.2024

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 483 of BNSS, 2023, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Sonapur P.S. Case No. 191/2024, under Sections 191(2)/191(3)/149/121(2)/132/117(2)/118(2)/ 109/324(4)/61(2)/125/324(5) of BNS, 2023 *read with* Sections 3/4 of Prevention of Damage to Public Property Act, 1984.

3. Case Diary has been received. Perused the same. Heard both sides.

4. It is submitted by Mr. Sarma, learned counsel for the petitioner, that the present accused/petitioner was not evicted from the land and he has his own house having permanent resident in the nearby locality. After 2 (two) months of the incident, he was arrested in connection with this case without his involvement in the alleged incident. He is in custody for last 14 days and hence, considering his length of detention, he may be enlarged on bail.

5. Mr. Goswami, learned Additional Public Prosecutor, submitted in this regard that the Case Diary reveals sufficient incriminating materials against the present accused/petitioner and he is the main conspirator who conspire the other villagers or the local persons to stand against the eviction team/ Administration and for his initiation and conspiracy only, the alleged incident had taken place. During investigation, his involvement in the alleged offence has come out and for which, he was arrested in connection with this case after 2 (two) months of the incident. Accordingly, Mr. Goswami submitted that to unearth some more facts of the case, further custodial interrogation of the present accused/petitioner may be required and hence, he raised vehement objection in

allowing the present accused/petitioner on bail at this stage.

6. Considering the submissions made by the learned counsels for both sides, incriminating materials available against the present accused/petitioner and the gravity of the offence, I find that further custodial interrogation of the present accused/ petitioner may be required to unearth some more facts involved in this case and therefore, for the interest of investigation, I do not find it a fit case to extend the privilege of bail to the present accused/petitioner at this stage and accordingly the same stands rejected.

7. The bail application stands disposed of in terms above.

JUDGE

Comparing Assistant