

GAHC010256682024



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

Case No. : Bail Appln./3699/2024

BASSHA SKHEIK @ BASHA SHEIKH 3 ORS.
S/O MAYJUDDIN SHEIKH
VILL- ALURBHUI, BONDIRGOLA
P.O. KOKRAJHAR
P.S. KOKRAJHAR
DIST. KOKRAJHAR (BTR), ASSAM

2: HABEZ ALI @ HABEJ ALI
VILL- MAYERCHAR PART-VI

P.O. NAYERALGA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

3: SUKUR ALI@SUKKUR ALI
VILL- MAYERCHAR PART-VI

P.O. NAYERALGA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

4: ABDUR RAZZAK @ ABDUL RAZAK
VILL- MAYERCHAR PART-VI

P.O. NAYERALGA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-78334

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN, MR A.K. MOLLAH,MR. R I MONDAL

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./3671/2024

MOHIDUL ISLAM AND 2 ORS.
S/O MD. JINAR ALI
R/O MAYAR CHAR PT. VII

P.O. NAYER ALGA

P.S. BILASIPARA IN THE DISTRICT OF DHUBRI
ASSAM

2: KAJIM UDDIN PRADHANI @ KAJIMUDDIN PRADHANI
S/O JALIL HAQUE PRADHANI

R/O HATSINGIMARI
DAFADAR PARA
P.S. HATSINGIMARI
MANCACHAR
SOUTH SALMARA
ASSAM

3: SAHIDUL BHUYAN @ SAHIDUL ISLAM BHUYAN
S/O HABEJUDDIN
R/O VILL- BALESHWAR
P.O.NAYER ALGA
P.S. BILASIPARA

IN THE DISTRICT OF DHUBRI
ASSAM
VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. N H MAZARBHUIYAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 19.12.2024

This is a common order for these two bail applications as both the bail applications have arisen out of the same FIR.

2. Heard the learned Sr. Counsel Mr. HRA Choudhury assisted by Mr. M. Hussain, learned counsel appearing for the petitioners in Bail Appln. No. 3699/2024 and Mr. M.H. Saikia, learned counsel appearing for the petitioners in Bail Appln. No. 3671/2024. Also heard Mr.D. P. Goswami, learned Additional P.P. for the State of Assam.

3. Both the bail applications are filed under Section 483 of BNSS, 2023, whereby the petitioners, Bassha Skheik @ Basha Sheikh, Habez Ali @ Habej Ali, Sukur Ali @ Sukkur Ali, Abdur Razzak @ Abdul Razak, Mohidul Islam, Kajim Uddin Pradhani @ Kajimuddin Pradhani & Sahidul Bhuyan @ Sahidul Islam Bhuyan have prayed for releasing them on bail, who were arrested in connection with Hatigaon P. S. Case No. 195/2024.

4. Mr. Choudhury and Mr. Saikia have submitted that the petitioners in Bail Appln. No. 3699/2024 have already completed 48 days in judicial custody and the petitioners in Bail Appln. No. 3671/2024 have already completed 45 days in judicial custody. Therefore, the learned counsel have submitted that the long period of incarceration of the petitioners deserves to be taken as a ground for releasing them on bail.

5. Mr. Goswami has submitted that the petitioners are members of a gang doing

criminal acts in different places. According to Mr. Goswami, there are no incriminating materials against the present petitioners.

6. Mr. Goswami further submits that some persons are yet to be arrested.

7. I have considered the submissions made by the learned counsel of both sides.

8. This Court is of the opinion that the period of detention already undergone by the petitioners in custody deserves to be taken as a ground for releasing them on bail. Therefore, their bail applications are allowed.

9. Accordingly, the petitioners, Bassha Skheik @ Basha Sheikh, Habez Ali @ Habej Ali, Sukur Ali @ Sukkur Ali, Abdur Razzak @ Abdul Razak, Mohidul Islam, Kajim Uddin Pradhani @ Kajimuddin Pradhani & Sahidul Bhuyan @ Sahidul Islam Bhuyan are allowed to go on bail of ₹ 20,000/- each with sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

10. Both the bail applications stand disposed of accordingly.

The CD (s) shall be returned.

JUDGE

Comparing Assistant