

GAHC010255802024



undefined

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

Case No. : Bail Appln./3691/2024

MAHMUDUL HASAN
S/O MOFIDUR RAHMAN
R/O ASKIKANDI
P.S. PHULBARI
DIST. WEST GARO HILLS,
MEGHALAYA.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

04.12.2024

Heard Mr. HRA Choudhury, the learned senior counsel assisted by Mr. I.U. Choudhury, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner namely, Mahmudul Hasan who has been in custody since

25.11.2024 in respect of Goroimari P.S. Case No.128/2024 under Sections 103/126(2)/3(5) of BNS as well as 61(2) of the said BNS, 2023.

3. On 17.11.2024, one Abdul Hussain had lodged an FIR before police alleging criminal acts against 15 persons. One of them was Abdur Rejjak. Police registered a case under the aforesaid sections of law.

4. The present petitioner is the brother-in-law of Abdur Rejjak and he stays at Meghalaya. After filing of the said Ejahar, Abdur Rejjak had come to his house at Meghalaya. Thereafter, police called the present petitioner who appeared before police but police could not find any bailor. Therefore, the petitioner was forwarded to the court of learned Chief Judicial Magistrate, Kamrup, Amingaon.

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

6. From the police Forwarding Report, it appears that police would have released him on bail if a suitable bailor was found.

7. Considering the aforesaid circumstances, this Court is of the opinion that the present petitioner no longer deserves to be detained in custody. His bail application is allowed.

8. The petitioner namely, Mahmudul Hasan who has been in custody in respect of Goroimari P.S. Case No.128/2024 under Sections 103/126(2)/3(5) of BNS as well as 61(2) of the said BNS, 2023, shall be allowed to go on bail of ₹20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon.

With the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant