

GAHC010258722024



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

Case No. : Bail Appln./3718/2024

MD ABDUS SALAM @ ABDUS SALAM MIAH
S/O LATE HANIF ALI,
RESIDENT OF VILLAGE MATRAGHOLA, PO KIRTANPARA, PS
ABHAYAPURI, DIST BONGAIGAON ASSAM 783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR A K BORO, MR S.MITRA,MR. S MITRA,MR. R. RAMEEZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.12.2024

Heard Mr.S.Mitra, learned counsel for the petitioner as well as Ms. N.Das, learned Addl. P.P., Assam for the State respondent.

By filing this 2nd petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the accused-petitioner, namely, **Md.Abdus Salam @ Abdus**

Salam Miah prayed for grant of bail in connection with **Abhayapuri P.S. Case No.138/2024** under Section 120B/307 of the IPC r/w Section 4(b)(i) of the Explosive Substance Act.

It may be mentioned herein that earlier by order 13.11.2024 in Bail Application No. 3058/2024, the bail application of the petitioner was rejected by this court.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody for more than 90 days since his arrest on 06.09.2024. Charge sheet has not yet been submitted and as such, the petitioner is entitled for default bail.

The learned Addl.P.P. has confirmed that charge sheet has not yet been submitted in the case and the petitioner has completed the mandatory period of 90 days in judicial custody.

Having heard the learned counsel for the parties and on perusal of the FIR, Forwarding Report and the averments made in this petition, it appears that the petitioner is in judicial custody for more than 90 days and charge-sheet is not yet submitted in the case and as such, considering length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioner is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge, Bongagaon**, subject to the following conditions;-

- (i) That the petitioner shall cooperate with 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant