

GAHC010261062023



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

Case No. : Bail Appln./4242/2023

MD GIAS ALI @ MD GHIYAS ALI
S/O LATE ABDUL GAFUR
R/O WARD NO. 2, KHUBJAR
SUB-DIVISION- KAIASHAHAR
P.O. AND P.S. KAIASHAHAR
DIST. UNAKUTI, TRIPURA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S KANUNGOE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25-01-2024

Heard Ms. S. Kanungo, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Md. Gias

Ali @ Md Ghiyas Ali, who has been languishing in jail hajot since 09.11.2023, in connection with STF P.S. Case No. 01/2023, under Sections 120(B)/121(A)/153 A(1) (b)/420/468/471 IPC read with Section 12(1) (a)/ 12(1A)(a)(b)/ 12(2) of the Passport Act,1967 for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Gitartha Dev Sarma, Deputy Superintendent of Police (Head Quarter) Karimganj on 21.03.2023.

The essence of allegation, made in the FIR, dated 21.03.2023, is that in connection with investigation of Bazaricherra P.S. Case 62/2023, u/s 22(C)/25/29 of the NDPS Act, the I.O. has come across that one Shib Shankar Ghosh, Kartik Nama, Biswajit Sen, Partha Sen, Rakesh Sil, Abu Sil, Subir Singh and Ajit Sarkar are involved in illegal business of crossing Bangladeshi nationals into India and some other elements are also involved in facilitating illegal entry of Rohingya Muslims, who are nationals of either Mynammar or Bangladesh, into India without passport, visa or other related travel documents and the modus operandi is to facilitate the illegal entries of Rohingya into India and prepare fake documents to present them as Indian citizen and used them for anti-India activities and it is also learnt that majority of Rohingyas who illegally entered India are part of various Islamic terror groups having roots in India and abroad and they also financially support these Rohingya Muslims.

Ms. Kanungo, learned counsel for the for the accused submits that the accused was arrested on 9.11.2023 and since then he has been languishing in jail hajot for last 78 days and that the name of the accused finds no mention in the FIR and that he is no way involved with the offence alleged in the FIR and he is ready to co-operate with the investigating agency, and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P., producing the case diary before this Court submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. Barua, learned Addl. P.P. contended to dismiss the petition.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

The case diary indicates that the I.O. has collected some incriminating materials, in support of the allegation made in the FIR. However, the case diary also indicates that the I.O. has achieved substantial progress in the investigation of this Case and the accused is languishing in jail hajat for last 78 days and in the interest of investigation, his further custodial detention seems to be not required. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant