GAHC010158962020

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

Case No. : Bail Appln./2432/2020

ADAM ALI @ ADIL ALI
S/O AZAD ALI SHEIKH, R/O MATIABAG, P.O. AND P.S.-GAURIPUR, DIST-DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 02-12-2020

Heard Mr. HRA Choudhury, learned Senior Counsel for the petitioner and Mr. NK Kalita, learned Additional Public Prosecutor for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Adam Ali @ Adil Ali** has prayed for bail in connection with **Gauripur PS Case No.1190/2020** under Sections 120B/121/121-A/122/371 of the IPC read with Section 25 (1-AA) of the Arms Act.

The case diary is received.

The investigating Officer has filed bail objection petition.

Mr. HRA Choudhury, learned Senior Counsel for the accused petitioner, submits that the accused has been in judicial custody for 53 days since 12.10.2020 despite being innocent. According to Mr. Choudhury on the day of occurrence, he was at his rented house at Guwahati and as such, no incriminating material was seized from his possession. Therefore, Mr. Choudhury submits that considering his length of detention and in the backdrop of facts, the accused may be directed to be released on bail subject to any condition.

Mr. NK Kalita, learned Addl.P.P. submits that the case is of serious nature as the accused is stated to have involved in fundamentalist militant activities and arms and ammunitions were seized from his house located under Gouripur PS. Mr. Kalita also submits that during interrogation at length by police, the accused has withheld information as to how he amassed property and how collected fund for militant fundamentalist organisation.

The FIR reveals the allegation that the accused has been engaging in anti-national activities including dealing in Arms and ammunitions, maintaining links with various Jihad/Militant/Fundamentalist Organizations. He has employed a number of local people in various parts of the district to facilitate his illegal and anti-national activities.

On scrutiny of the case diary, prima facie very serious nature of incriminating evidence disclosed against the accused. During search of his house materials like factory made 9 mm pistol, 10 nose 7.62 mm x 39 AK-47 Assault rifle, live ammunitions and one emptied ammunition box were found and seized in presence of an Executive Magistrate and witnesses. The investigations are on into the various aspects of his allegedly illegal activities which are yet to be completed. Therefore, this Court is of the view that if the liberty of bail is granted to him, the ongoing investigation is likely to be adversely affected.

Accordingly, the bail application stands rejected.

As the accused is in jail custody, the I.O. is directed to expedite investigation.

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant