



ITEM NO.3

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

**Petition(s) for Special Leave to Appeal (Crl.)
No(s). 10579/2025**

**[Arising out of impugned final judgment and order
dated 20-12-2024 in BA No. 3673/2024 passed by
the Gauhati High Court]**

TONLONG KONYAK

Petitioner(s)

VERSUS

THE STATE OF ASSAM

Respondent(s)

**Date : 05-12-2025 This petition was called on for
hearing today.**

CORAM :

**HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA**

For Petitioner(s) :

**Ms. Shahrukh Alam, Adv.
Ms. Akriti Chaubey, AOR
Mr. Shantanu Singh, Adv.**

For Respondent(s) : Mr. Shuvodeep Roy, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

**1. The petitioner seeks
regular bail in connection with**

FIR No. 29/2023 registered at Sapekhati Police Station, District Charaideo, Assam.

2. On 30th May, 2023, one Ms. Nabanita Handique gave a report at the Sapekhati Police Station alleging that some persons from a banned organisation, i.e., the United Liberation Front of Assam (ULFA-Independent), were indulging in making demands of extortion money at a rate of Rupees One Lakh per year from various tea gardens.

3. On the basis of this report, FIR No.29 of 2023 was

registered at Sapekhati Police Station for the offences punishable under Sections 120B, 121, 121A and 384 of the Indian Penal Code, 1860 read with Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 (for short 'UAPA') against one Colonel Ganesh of ULFA.

4. The petitioner herein was apprehended by the Assam Rifles on 23rd July, 2023 while allegedly carrying extortion money to the tune of Rs.3,25,000/-.

5. In connection with the

aforesaid recovery, FIR No.49 of 2023 came to be registered at Mon Police Station, Nagaland, for the offences punishable under Sections 384 and 107 of the IPC r/w Sections 10(a)(iii) & (iv) of the UAPA. During investigation, the petitioner had been found involved in the present case, i.e., Sapekhati P.S. Case No. 29/2023 and, thus, was arrested through production warrant on 26th July, 2023 (as per the chargesheet).

6. As per first proviso of Section 43D(2)(a) of the UAPA,

period for concluding investigation prescribed under Section 167 of Code of Criminal Procedure, 1973 (187 Bhartiya Nagarik Suraksha Sanhita, 2023) can be extended to 180 days under an express order of the Court recording specific reasons for the extension.

7. The Special Judge, Charaideo, who is dealing with the trial in respect of the present FIR registered at Sapekhati Police Station, rejected the application filed by the Public Prosecutor for extension of time to complete

the investigation *vide* order dated 2nd November, 2023.

8. In the additional documents filed on behalf of the petitioner, an order dated 19th March, 2025 is available, which is passed in respect of another FIR registered for similar offences at Sivasagar Police Station, Assam against the petitioner whereby, the petitioner has been granted default bail because charge-sheet was not filed against the petitioner within the permitted period for conclusion of investigation.

9. As per the counter affidavit filed by the respondent-State of Assam, the chargesheet in respect of the present case being FIR No. 29 of 2023 registered at Sapekhati Police Station was filed on 30th July, 2025. Thus, evidently the petitioner has been detained in custody for a period of almost two years without the chargesheet being filed. In our opinion, the custody of the petitioner for such a prolonged period without the chargesheet being filed was absolutely unjustified in addition to being in the teeth of Section

43(D)(2)(a) (*supra*).

10. On going through the chargesheet, it becomes apparent that neither any incriminating material was recovered from the petitioner nor is there any direct allegation of extortion against him.

11. In this background and considering the fact that the chargesheet against the petitioner was not filed for almost two years from the date of his arrest and as there is no prospect of an early conclusion of the trial, the

petitioner deserves indulgence of bail.

12. In this background, we are inclined to grant bail to the petitioner.

13. Accordingly, we direct that the petitioner be released on bail, on such terms and conditions as may be imposed by the Trial Court (Special Judge, Charaideo).

14. The petitioner will continue to cooperate in the trial and in the event, the Trial Court or the State finds that the petitioner is delaying the conclusion of trial, it

will be open for them to
apprise this Court of the same
for appropriate orders.

15. The Special Leave
Petition and pending
applications are disposed of
accordingly.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR