

GAHC010151482021



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

Case No. : Bail Appln./2428/2021

MAQBOOL ALAM
S/O MD. KASIM
C/O MUNINDRA DEKA
R/O JORABAT,
NEAR SHANKAR BHUJANALAYA.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F KHAN

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

23-09-2021

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Maqbool Alam**, in connection with **Basistha P.S. Case No.1562/2021**, registered under **Sections**

120(B)/153 A(1)(a) and (c)/298/505 (1)(b)(c)/505(2) of the Indian Penal Code, 1860, read with Section 66 of IT Act, 2000 and Section 39 of the Unlawful Activities (Prevention) Amendment Act, 1967, as per provision of Section 43 of Unlawful Activities (Prevention) Amendment Act, 1967.

Heard Mr. F. Khan, learned counsel for the petitioner. Also heard Ms. S.H. Borah, learned Additional Public Prosecutor, Assam for the Respondent State.

Perused the petition and the annexures furnished therewith.

On perusal of the FIR, it is found that that the petitioner had praised and glorified Tehreek-e-Tliban, i.e. a terrorist organization, who had engaged in a war to throw out a democratically elected government in Afghanistan and have also targeted Indian citizens through violent means.

The hard copy of the Facebook posts allegedly posted by the petitioner are gone through and it does not appear to this Court that there is anything such in the posts requiring further custodial detention of the petitioner beyond 31 days, in the interest of investigation of the case.

That being so, this application for bail is disposed of at this motion stage itself with the direction that the petitioner be released on bail in connection with the case aforementioned on furnishing bail bond of Rs.10,000/- with one suitable surety of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup (Metro) at Guwahati.**

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned **Chief Judicial**

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Magistrate, Kamrup (Metro) at Guwahati, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant