

GAHC010132482025



2025:GAU-AS:8890

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

Case No. : Bail Appln./1985/2025

NAJIBUL ISLAM
S/O MINHAIJ UDDIN
R/O VILL- MONAKOCHA
P.O. GORAIMARI
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM,
PIN-783390.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A A DEWAN, MR A MALEK, MR H A RASHID

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

10.07.2025

Heard Mr. A. Ahmed, learned counsel appearing on behalf of Mr. H.A. Rashid, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned

APP for the State.

2. By filing this application under Section 483 BNSS, 2023, the petitioner, namely Najibul Islam, who was arrested on 01.05.2025, has prayed for bail in connection with Manikpur P.S. Case No.53/2025 under Sections 152/196(1)/197(1)/352/353(2) of the BNS, 2023, which is currently being tried as Sessions Case No. T-II 47/2025 before the Court of learned Sessions Judge, Bongaigaon.

3. Pursuant to the order passed earlier, the scanned copy of the case records of PRC Case No. 112/2025 is received.

4. The prayer for bail is opposed by the learned APP on the ground that at the crucial time when the entire nation was in grief because of the terrorist attack from Pakistan side to India, the petitioner had given social media post in support of Pakistan. Accordingly, it is submitted that if the petitioner is released on bail, he would involve himself in further anti-India activities.

6. The scanned copy of the case diary reveals that the petitioner has put up a social media post in Instagram, which states "I love Pakistan". The petitioner had been arrested and taken into custody on 01.05.2025. Therefore, as on date, the petitioner has spent about 70 days in custody.

7. In view of the length of incarceration already suffered by the petitioner, this Court is of the considered opinion that further custodial interrogation of the petitioner may not be required. Accordingly, the Court is inclined to release the petitioner, namely Najibul Islam on bail, in connection with the aforesaid case,

on furnishing bail bond of Rs.40,000/- with 2 (two) solvent sureties of like amount to the satisfaction of the learned Sessions Judge, Bongaigaon.

4. The bail is granted on the following conditions:

- (a) 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
- (b) That the petitioner shall not obstruct the smooth progress of the trial.
- (c) That the petitioner shall not misuse his liberty in any manner.
- (d) That the petitioner shall not jump over the bail.
- (e) That the petitioner shall appear before the learned Trial Court on each and every date without fail. In the event the petitioner cannot appear before the learned Trial Court on any date due to compelling reasons, he would ensure that he is duly represented by his learned counsel, duly authorized to cross-examine any witness who is present, without taking any adjournment.
- (f) That the petitioner shall appear before the Manikpur P.S. once in every month for a period of 12 months from the date of this order.
- (g) That in the event the petitioner is found to be involved in any such activity or he is found to have threatened any witness, it would be open to the concerned police to move the jurisdictional Court for cancellation of bail.

(h) In the event the petitioner fails in appearance before the learned Trial Court without any reasonable excuse, without engaging any counsel to represent him, it would be open to the learned Sessions Judge, Bongaigaon to cancel the bail and to direct the petitioner to be taken into custody for trial.

5. This application stands disposed of.

JUDGE

Comparing Assistant