

GAHC010248532023



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

**Case No. : Bail Appln./3991/2023**

MD ABDUL KHALEK  
S/O- LATE FAJAL HAQUE, R/O- TUPAMARI, NAGARBERA, P.S.  
NAGARBERA, DIST.- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY P.P., ASSAM

**Advocate for the Petitioner : MR. A PARAMANIK**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 31-10-2023**

- 1.** Heard Mr. A. Paramanik, learned counsel for the petitioner and Ms. B. Bhuyan, learned Addl. P.P, Assam.
- 2.** The petitioner Md. Abdul Khalek has filed an application under Section 439 Cr.PC with prayer for bail as he is in custody since 02.10.2023 in connection with Sonapur

P.S. Case No. 208/2023 under Section 379 IPC.

**3.** The FIR unfolds that on 26.09.2023 at about 10.30 PM a call was received by Kankan Jyoti Nath relating to breaking open a door and theft of 2 nos. of Airtel Baseband unit. Immediately he rushed to the place of occurrence at around 11.15 PM and found two unauthorised persons leaving the site and when confronted by the local people certain instruments for removing baseband units were found with the unauthorised persons. The local police of the Sonapur was called and Ananda Baruah was apprehended while Prasanta Saikia escaped with the two baseband units.

**4.** Heard Ms. B. Bhuyan, learned Addl. P.P., Assam who has raised serious objection stating that the petitioner is a habitual offender and Case Diary is to be perused to consider the bail petition. The learned Addl. P.P. has also raised objection submitting that the petitioner operates in a wide network extending upto foreign shores.

**5.** It is submitted by the learned counsel for the petitioner that the petitioner was already in police custody and he has been interrogated thoroughly. Further custodial detention for investigation may not be required.

**6.** I have considered the submissions at the Bar with circumspection.

**7.** The petitioner was behind bars since 02.10.2023. Investigation has presumably progressed to a considerable extent. The petitioner is a local resident and he has pledged to cooperate with the investigation.

**8.** Considering the submissions and in view of my foregoing discussions, the petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the CJM, Kamrup (M) under the condition that the petitioner will refrain from such activities with which he is alleged, failing which bail order will be cancelled.

**JUDGE**

**Comparing Assistant**