

GAHC010159492021



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

**Case No. : Bail Appln./2583/2021**

ABU BAKKAR SIDDIQUE @ AVGA KHAN AVILEKH  
SON OF LT. ABDUL KADIR  
R/O VILL- HELA PAKHRI, P.S. MORNOI,  
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

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

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

**B E F O R E**

**HON'BLE MR. JUSTICE HITESH KUMAR SARMA**

06-10-2021

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Abu Bakkar Siddique @ Avga Khan Avilekh**, in connection with **North Guwahati Police Station Case No.130/2021**, registered under **Sections 120(B)/153A(1)(a)/153B(1)(a) & (c)/298/ 505 (1)(b)(c)/505(2)** of the Indian Penal Code, read with Section 39 of the Unlawful Activities (Prevention) Act, 1967, read with Section 66(f) of the Information Technology Act, 2000.

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Heard Mr. A. Ganguly, learned counsel for the petitioner. Also heard Mr. Bankim Sarma, learned Additional Public Prosecutor, Assam, appearing for the State Respondent.

Case diary called for has not been received.

However, it has been submitted by Mr. Ganguly, learned counsel for the petitioner that the accused petitioner has been in custody for 47 days as on date. The allegation against the petitioner is that he has used fake Facebook accounts to send messages, like the one indicated in the FIR, which has a oblique reference to the then Assam Agitation of 1979 onwards, with a view to create a communal atmosphere in the State of Assam. The said Facebook post indicated that the leaders of the Assam agitation came to power of the State after killing thousands of people.

Whatever it may be, considering the length of detention of the petitioner for 47 days, this Court is of the view that further custodial detention of the petitioner is not necessary and, hence, he is granted bail.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of Rs.20,000/- with two suitable sureties of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup, Amingaon**.

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 Magistrate, Kamrup, Amingaon** , 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**