

GAHC010024212023



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

Case No. : Bail Appln./413/2023

SHAMSUDDIN LASKAR @ SUNNY
S/O LATE JAMILUR RAHMAN LASKAR,
VILL.- KOROIKANDI PT- II,
P.S.- KATIGAON,
DIST.- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY LEARNED P.P., ASSAM.

Advocate for the Petitioner : MR. I H BARBHUIYA

Advocate for the Respondent : PP, ASSAM

Linked Case : AB/318/2023

HUSSAIN AHMED LASKAR AND ANR
S/O- LATE JAMILUR RAHMAN LASKAR
R/O- VILL.- KOROIKANDI PART-II
P.O. RAJATILA
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN- 788805.

2: ASIF AHMED CHOUDHURY
S/O- ALI AHMED CHOUDHURY
R/O- VILL.- SIBNARAINPUR
P.O. SIALTEK
P.S. KATIGORHA
DIST. CACHAR
ASSAM
VERSUS

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

Advocate for : MR. I H BARBHUIYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.02.2023

This is a common order for these two items, as because both the items have arisen out of the same FIR.

Heard Mr. U.K. Nair, the learned senior counsel appearing for the petitioners. Also heard Mr. KK Das, learned Addl. Public Prosecutor, Assam representing the State.

These are applications under Sections 439 and 438 of the CrPC in respect of Dispur P.S. Case No.304/2020 under Sections 120(B)/406 and 420 of the Indian Penal Code.

The informant Jahirul Islam Choudhury is an educated unemployed youth. In response to an advertisement dated 07.02.2019, he applied for the post of Computer Operator in the Assam Public Service Commission. The informant knew the petitioner Shamsuddin Laskar who proposed to him that if he manages to pay some money, he will help him in getting the job. Accordingly, the informant transferred an amount of Rs.4 lakhs to the account of Shamsuddin Laskar.

Thereafter, the petitioners Hussain Ahmed Laskar, the brother of Shamsuddin Laskar and Asif Ahmed Choudhury entered into the picture. This time, Hussain Ahmed Laskar and Asif Ahmed Choudhury, had assured the informant that they will help him in getting the job and accordingly, the informant paid another sum of Rs.6 lakhs to Shamsuddin Laskar.

After some days, the informant came to know that these three persons have cheated him of his money.

I have considered the submissions made by the learned counsels of both sides.

It has been pleaded by the petitioners that the informant Jahirul Islam Choudhury along with the petitioner Shamsuddin Laskar was jointly running a Coaching Institute at Dispur. But sometime later, their partnership had fallen apart, which gave rise to monetary dispute between them.

On a plain reading of the FIR, it is found that the informant, though he accused of foul play by the petitioners, himself also contributed to the foul play. He wanted to buy Government jobs by paying money. He is also equally guilty, like the petitioners.

Be that as it may, I have found that the case diary has no sufficient

materials to justify detention and further detention of the petitioners in custody. Therefore, The petitioners Shamsuddin Laskar @ Sunny is allowed to go on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati. The petitioner is directed to co-operate with the police investigation, as and when called for.

It is further directed that in the event of arrest in connection with Dispur P.S. Case No.304/2020 under Sections 120(B)/406 and 420 of the Indian Penal Code, the petitioners Hussain Ahmed Laskar and Asif Ahmed Choudhury, shall be released on bail of Rs.25,0000/- each with sureties of like amount to the satisfaction of the arresting authorities. Both the petitioners are directed to co-operate with the police investigation, as and when required.

Both the bail applications are disposed of accordingly.

JUDGE

Comparing Assistant