

GAHC010042422023



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

Case No. : Bail Appln./691/2023

MD. SAMIM UDDIN AHMED
S/O SHAHIDUL ISLAM, R/O VILL-TATIKATA PATHER, WARD NO. 4, P.S.-
MOIRABARI, DIST-MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 27.02.2023

Heard Mr. B. Islam, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned APP appearing for the State.

2. Mr. R. De, learned counsel has entered appearance for the informant

and he is permitted to make his submission.

3. The petitioner, who was arrested on 21.12.2022, is seeking regular bail under section 439 Cr.P.C. in connection with Moirabari P.S. Case No. 241/2022, under sections 120B/406/419/420/468/471 IPC, read with section 66C/66D of IT Act.

4. The learned APP has produced the case diary and opposed the prayer for bail. It is also submitted that he is of the view that the petitioner has committed offence within the meaning of section 467 IPC. In the forwarding report, the petitioner is accused no.4.

5. The learned counsel for the informant has submitted that the petitioner is a member of the gang, which had forged the identification documents including PAN Card, AADHAAR Card etc. and obtained 75 loans from the informant's office to the extent of Rs.2,70,00,000/-. The amounts were transferred to 42 bank accounts of 14 different banks and the money was siphoned out amongst others to the account of the petitioner. It is submitted that the master mind of the crime could not be arrested and no money could be recovered.

6. Be that as it may, in view of the nature of offence committed by the petitioner, the case against the petitioner is being investigated, the petitioner is entitled to default bail within the meaning of section 167(2) Cr.P.C.

7. As the petitioner has already suffered custody of 69 days, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Md. Samim Uddin Ahmed in connection with the aforesaid case on

furnishing bail bond of Rs.1,00,000/- with two solvent surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon. Out of the two sureties, one should offer his/her immovable property as security for grant of bail, having sufficient value to cover the bail amount.

8. Bail is granted on the following conditions:

- I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- II. 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 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.
- III. The petitioner shall not obstruct the smooth progress of the investigation/trial.
- IV. The petitioner shall not misuse his liberty in any manner.
- V. The petitioner shall appear before the I/O within 10 (ten) days from the date of his release and he shall continue to appear once in every 15 (fifteen) days till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.
- VI. If the petitioner does not comply with the conditions of bail, it would be open for the I/O to approach the jurisdictional Court and apply for cancellation of bail.

9. If the I/O finds the petitioner to be involved in any similar offence,

he would be at liberty to approach the jurisdictional Court and apply for cancellation of bail.

10. This application stands disposed of.

11. Case diary is returned.

JUDGE

Comparing Assistant