

GAHC010044812023



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

Case No. : Bail Appln./732/2023

AMINUL HOQUE AND ANR
S/O MD. NABAB ALI
R/O PURANKUCHIA
P.S. CHHAYGAON
DIST KAMRUP, ASSAM

2: BACHIR UDDIN
S/OLT. MOYED ALI
R/O PURANKUCHIA
P.S. CHHAYGAON
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 13-03-2023

Heard Mr. A. Paramanik learned counsel for the applicants. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 439 of the Code of Criminal Procedure, 1973, are preferred by accused/applicants, who has been languishing in jail since 10.02.2023 in connection with Boko P.S. Case No. 50/2023, under Sections 120(B)/468/420/471/500 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the applicants, Mr. A. Paramanik, that the fact of the case is that the informant in his FIR stated that the accused persons forged the signature of Shri Piyush Hazarika, Minister, Water Resource, Parliamentary Affairs, Information and Public relations, Social Justice and Empowerment, Govt. of Assam, but the fact is that the applicants are no way involved into the alleged offences as alleged by the informant as because the office bearer of Borgul Bagan Bazar approached one Sri Baba Sonowal who introduced himself as a nephew of Ex-Chief Minister of Assam Sri Sarbananda Sonowal, and who assured the said committee that he has good relation with the aforesaid Minister of Assam and the said person finally procured and delivered those orders in the hands of the office of the said Bazar Committee, stating that the fake notice was issued with a forged official letter pad in the name of Hon'ble Minister addressed to the Deputy Commissioner, Kamrup(R)

with a instructions issued to foreclosure of Bazar Committee. But the instant applicants were totally unknown about the facts as stated by the informant. In the meantime, the forged documents were already recovered and hence, further custodial interrogations of the accused/applicants are not at all necessary herein this case. Hence, the accused/applicants have prayed for regular bail and they are ready to co-operate with I.O. for further investigation of the case, if they are enlarged on bail.

On the other hand, Mr. K. K. Parasar, learned Additional Public Prosecutor has submitted that the case is serious in nature as because of the forged documents one Bazar Committee was supposed to be foreclosure on the basis of a fake notice, which was shown to be signed by Shri Piyush Hazarika, Minister, Water Resource, Parliamentary Affairs, Information and Public relations, Social Justice and Empowerment, Govt. of Assam. However, there are some materials collected by the IO and the investigation is still going on. Thus, custodial interrogation may be necessary herein this case. Further, the learned Additional Public Prosecutor has raised objections to the prayer made by the learned counsel for the applicants.

Considering the submissions of the learned counsels for both sides as well as after perusing the Case Diary, I am of the view that further custodial interrogation may be necessary for the interest of justice and proper investigation. Thus, I do not find it a fit case to allow the applicants to go on bail and the same stands rejected.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant