

GAHC010085422023



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

Case No. : Bail Appln./1482/2023

FARUK AHMED
S/O- IDRISH ALI, R/O- VILL.- KACHUA NO. 1, P.S. KACHUA, DIST. NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

22.05.2023

Heard Ms. A. Medhi, learned counsel appearing for the accused petitioner as well as Mr. R.J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely,

Faruk Ahmed has prayed for grant of bail in connection with **Paltanbazar P.S. Case No. 143/23** under Sections **120B/419/420/406/468/ 471** of the IPC read with Section **14** of the Foreigners Act, 1946 read with Section **12** of the Passports Act, 1967 read with Section **3(A)** of the Passport (Entry into India) Act, 1920.

The case diary, as called for, is placed before the Court.

Ms. A. Medhi, learned counsel appearing for the accused petitioner, submits that the accused has been in judicial custody for 42 days despite being innocent. Ms. Medhi further submits that the accused is neither named in the F.I.R. nor was even remotely involved in the alleged offences. Therefore, Ms. Medhi submits that he may be directed to be released on bail subject to any condition(s).

Opposing the bail application, Mr. R.J. Baruah, learned Addl. Public Prosecutor, submits that the case diary reveals that the case diary projects the present accused petitioner as the prime accused in the case, who has a computer shop and he prepared false documents by making unauthorized material alterations in the government documents of the applicants to facilitate them in securing passports. Mr. Baruah further submits that the police recovered and seized various incriminating materials, which prima facie implicate him with the alleged offences.

The FIR reveals the allegation of forging documents of illegal Bangladeshi immigrants for obtaining Indian Passport with which they are sent to foreign countries for work in exchange of money.

It is noticed that the accused petitioner has been in judicial custody since 13.04.2023, that is, for 40 days.

On scrutiny of the case diary, it is revealed that a number of incriminating electronic equipments, documents, seals of educational institutions were seized from the possession of the accused. It is further revealed that the accused prepared false documents by altering material particulars in the documents showing and using the same online as genuine issued by the government. The accused uploaded those documents on websites to mislead the passport issuing authority to issue Indian passports to immigrant Bangladeshi nationals. The F.S.L. report is, of course, yet to be received.

Upon consideration of the pros and cons of the materials available on the case diary as well as the length of detention, this Court is of the opinion that if the liberty of bail is granted to the accused petitioner, who is a government employee, the ongoing investigation into the case is unlikely to be adversely affected.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 40,000/- (Rupees Forty Thousand)** with two sureties of like amount to the satisfaction of the learned **C.J.M., Kamrup(M), Guwahati** subject to the following conditions-

- i) That the accused/petitioner shall cooperate with the investigating officer as when required;
- ii) That the accused/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 the Court or to any police officer; and
- iii) That the accused/petitioner shall refrain from committing any offences similar to the one of which he is accused.

Send back the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant