

GAHC010103092023



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

Case No. : Bail Appln./1708/2023

ZAKIR HUSSAIN
S/O LATE ABDUR RAZZAK
VILL- KAYAKUCHIPAM
P.O. NALIGAON
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N HOSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

26/06/2023

Heard Mr. N Hossain, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Zakir Hussain**, seeking bail in connection with **Barpeta P.S. Case No. 175/2023** registered under Sections 120(B)/121/121-A IPC read with Sections 10/13/18 UA(P) Act, 1967, wherein he was arrested on 15.04.2023 and since then he is in custody.

Mr. M P Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the case diary indicates several materials implicating Zakir Hussain as one of the main accused of the case involved in the alleged crime and that from the materials in the case diary, the petitioner cannot be considered for bail.

Mr. Goswami, learned Additional Public Prosecutor, Assam also submitted that the petitioner along with others are involved in the anti social activities in disturbing the tranquility of the society and that the accused persons of the case are a threat not only for the society but also for the nation as a whole, as he is involved with the activities of the PFI (Popular Front of India), a banned organization.

Mr. Hossain, learned counsel for the petitioner submitted that the main accused of the case is Jakir Hussain, son of Haidar Ali of Village-Kuthurijhar, Police Station-Gobardhana, District-Baksa, whereas the petitioner is Zakir Hussain, son of Late Abdur Razzak, Kayakuchipam, Naligaon under the jurisdiction of Barpeta Police Station, District-Barpeta and is no way connected with the case.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

It is seen that the brother-in-law of the petitioner, Jahidul Islam is the National Treasurer of the Campus Front of India, the student wing of PFI, which is also a declared unlawful association and said Jahidul Islam along with Jakir Hussain, son of Haidar Ali, Secretary of the State Unit of PFI, Assam went to Delhi and stayed in the house of the petitioner, who married Hamida Khatun, sister of said Jahidul Islam and he hails from Kayakuchipam under Barpeta Police Station, District-Barpeta, but was staying at Najafgarh under Jafarpur Police Station, South West Delhi.

Case diary reveals that the petitioner resided at Delhi since 2011 and was working at a private company at Delhi since 2017, but knowing well that his brother-in-law Jahidul Islam and Jakir Hussain belonging to the banned organization, gave shelter to them in his residence at Najafgarh for 4/5 days on their last visit prior to their arrest.

Case diary also reveals that the accused Jahidul Islam had received Rs.1.5 lakh from the petitioner and his wife Hamida Khatun, i.e., sister of said Jahidul Islam, but there is no debit transaction in the bank account of the petitioner, whereas in the bank account of the wife of the petitioner, there were debit and credit transaction during March and April and two big amount transactions took place, i.e., amount was transferred from her account 15 days ahead before arrival of

her brother, Jahidul Islam and said Jakir Hussain at their residence at Najafgarh.

Case diary reveals that said Jahidul Islam together with the petitioner and his wife, Hamida Khatun tried to mislead regarding the amount found with said Jahidul Islam.

Considering such materials in the case diary and as the petitioner harboured and gave shelter to persons belonging to banned organization knowing fully aware about their credentiality, the Court is of the view that it is not a fit case to grant bail to the petitioner, namely, **Zakir Hussain**, in said **Barpeta P.S. Case No. 175/2023**.

Accordingly, this bail application of the petitioner, Zakir Hussain, in said Barpeta P.S. Case No. 175/2023 stands rejected.

Return the case diary.

JUDGE

Comparing Assistant