

GAHC010103662023



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

Case No. : Bail Appln./1718/2023

ASHIQUL ISLAM
S/O ABDUL ALI
R/O UDMARI, P.S. JURIA
DIST. NAGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

29.05.2023

Heard Mr. S. Nawaz, learned counsel 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

Ashiqui Islam has prayed for grant of bail in connection with **Nagaon P.S. Case No. 236/2023** under Sections **120B/121A/419/468/471/ 34** of the IPC read with Sections **18/18B/19** of the UA(P) Act.

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

The F.I.R., dated 07.03.2023, lodged by Inspector Manoj Rajbongshi of Nagaon Sadar P.S. reveals the allegations as extracted hereinbelow-

“To,

*The Officer-in-Charge,
Nagaon Police Station, Nagaon*

Sub: FIR regarding unlawful and anti-national activities by processing SIM Cards illegally and fraudulently through impersonation.

Ref:- Nagaon PS GDE No-128, dtd-06/03/2023

Sir,

With reference to the above, this is to submit that a discreet enquiry following a reliable intelligence input indicates that a group of persons, namely Asaduz Zaman, Wahiduz Zaman, Ashiqui Islam, Mijanur Rahman, Bodor Uddin, Atiur Rahman, Moksikul Hoque, Julesh ahmed and Mustaful Kamal, all of Nagaon District have been involved in unlawful and Antinational activities by processing large number of SIM Cards of various network providers illegally and fraudulently through impersonation to communicate amongst themselves secretly for the purpose of anti-national activities at the direction of the agents/handlers of Pakistan.

It has also been learnt that these miscreants have entered into criminal conspiracy with the agents of Pakistan and others either to hand over some of these illegally procured SIM Cards to the agents of foreign country with the purpose to collect highly sensitive information about the defense establishments & installations, production and storage of defense equipments and weapons etc and pass on the information to the agents of foreign country as a part of their larger conspiracy to threaten the integrity, security and sovereignty of country.

Moreover, it has been learnt that out of these illegally and fraudulently procured. SIM Cards, one particular SIM Card with phone number 9435081488 was used for unlawful activities at the instruction of agent/handler of Pakistan.

*Yours faithfully
Insp. Manoj Rajbongshi
O/C Nagaon PS
Dt-07/03/2023”*

It is noticed that the accused petitioner has been in judicial custody since

08.03.2023, that is, for 84 days.

Perusal of the case diary, *inter-alia*, reveals that 121 Nos. of SIM cards along with mobile handsets, ATM cards were seized by police during house search of the accused petitioner. It is further revealed that the accused petitioner has been involved in illegal selling and buying of SIM cards as well as selling of OTPs. The investigation is yet to be completed. Therefore, this Court is of the opinion that if the liberty of bail is granted to the accused petitioner, the ongoing investigation into the case is likely to be adversely affected.

Accordingly, the bail application of the accused petitioner stands rejected.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant