

GAHC010160902023



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

Case No. : AB/2609/2023

AMINUL HOQUE AND 2 ORS.
S/O MUFTI ABDUL HOQUE
VILL- BALADMARI CHAR W/NO. 7,
P.S. GOALPARA
DIST. GOALPARA, ASSAM

2: INDADUL ISLAM
S/O JELAL HUSSAIN
VILL- DEKDHOWA
P.S. MORNUI
DIST. GOALPARA
ASSAM

3: JOYNAL ABEDIN
S/OLT. BAHADUR ALI
VILL- KHARMUJA
P.S. GOALPARA
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.11.2023

Heard Mr. M. Hoque, learned counsel for the applicants and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 438 Cr.P.C. is preferred by three applicants, namely, Aminul Hoque, Indadul Islam and Joynal Abedin, who have been apprehending arrest in connection with Goalpara P.S. Case No.107/2023, under Section 420/506/34 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Mohibul Islam on 28.06.2023. The essence of allegation made in the aforesaid FIR is that on the pretext of providing Sub-Agency of Ayushman Card as well as Smart Meter sub-contract, one Aminul Hoque, Indadul Islam and Joynal Abedin, the present applicants, took a sum of ₹ 14,00,000/- from the informant in between 14.12.2022 to 09.02.2023. But, subsequently they failed to provide him the work and they kept him as a clerk and failed to provide any salary to him and also failed to return the amount they have taken from him and also threatened to kill him.

4. Mr. Hoque, learned counsel for the applicants submits that vide order dated 31.07.2023, this Court was pleased to extend the interim protection to the applicants and pursuant to the said order, the applicants have appeared before the I.O. and they have been cooperating with the investigating agency and further, the learned counsel for the applicants submits that the applicants and the informant are businessmen and there was some transaction of money and they are ready to cooperate with the investigating agency and therefore, it is contended to make the interim order, dated 31.07.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has

produced the case diary before this Court and submits that the I.O. has collected some materials in support of exchange of money between the informant and the applicants. However, Mr. Sarma submits that as per materials collected in the case diary, the informant and the applicants are businessmen.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has made substantial progress in the investigation of the case. Further it appears that the applicants have been cooperating with the investigating agency and on such count, custodial interrogation of the applicants, in the interest of investigation, seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 31.07.2023 absolute, in the same terms and conditions.

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

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant