

GAHC010180922023



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

Case No. : Bail Appln./2865/2023

AMINUL ISLAM @ AMINUL HAQUE
S/O MD. ABDUL MATIN R/O GOROIMARI P.S LAHORIGHAT DIST.
MORIGAON ASSAM PIN 782001

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : MR P SHARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

21.08.2023

Heard Mr. R. Chetry, learned counsel for the accused and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Md. Aminul Islam @ Aminul Hoque, who is languishing in jail hazot since 26.06.2023, in connection with the Morigaon P.S. Case No. 233/2023, under Sections 409/419/420/471 of the IPC,

for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Prabhjyot Gill on 16.05.2023, to the effect that through their distributors SIM card were made available to different markets and to the retailers/franchisees/point of sales, who have directly interact with the customers and thereafter, as per the process laid down by the Department of Telecommunications [DoT], Govt. of India, the point of Sale completes all KYC related documentation and activates the SIM Cards as required by the customers and the basis of activation dump with documents obtained from the company for telecom subscribers in the Assam Licensed Service Area [LSA] and it is established by the Assam LSA of DoT that same photo, with different subscriber's names was used for giving many mobile connections, which were treated as forged and as an action, complainant immediately disconnected all such connections considering the fact that such connections may be misused which may result into law and order threat. The details of Point of Sale are Mospiquel Khan of Khan Cloth Store, Tengaguri Bazar, Morigaon; Aminul Hoque of Aminul Hoque Pan Bahar, Shantipur, Morigaon; Md. Iftikar Alam of Iftikar Studio, Moirabari, Morigaon; Babul Islam of Maa Compute, Kolmowbari Chariali, Morigaon; Md. Shahjahan Ali of M/S Maina Enterprise, Titatola Boribandha, Morigaon; and Abu Bakkar Siddique of Maa Computer, Shantipur, Morigaon.

4. Mr. Chetry, learned counsel for the accused submits that the accused was arrested on 26.06.2023, and he is behind the bar for last 56 days and considering the period of detention Mr. Chetry contended to allow the petition.

5. On the other hand, Mr. Lahkar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that though the I.O.

has achieves substantial progress in the investigation and some of the accused persons yet to be arrested and therefore, Mr. Lahkar opposed in granting bail to the present accused.

6. Having heard the submissions 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. Borthakur, learned Additional Public Prosecutor.

7. It appears that the accused has been arrested in this case on 26.06.2023, and since then, he has been languishing in jail hazoot for last 56 days. Further it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case and further custodial detention of the accused seems to be unwarranted here in this case and accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon, the accused be enlarged on bail.

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

9. The case diary be returned.

JUDGE

Comparing Assistant