

GAHC010203352023



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

Case No. : Bail Appln./3173/2023

MD. ABDUL JALIL AND 2 ORS.
S/O LATE RAHMAT ULLAH,
VILL.- NAKHOLA GRANT, P.O. AND P.S.- JAGIROAD, DIST.- MORIGAON,
ASSAM, PIN- 782126.

2: MD. ROFIQ ISLAM
S/O MAKIB ALI
VILL.- NAKHOLA GRANT
P.O. AND P.S.- JAGIROAD
DIST.- MORIGAON, ASSAM, PIN- 782126.

3: MD. MAMUN OLI ULLAH, S/O MOFIJUDDIN
VILL.- LANGRIBORI
P.S.- MOIRABARI, P.O.- SAHARIAGAON
DIST.- MORIGAON, ASSAM, PIN- 782126

VERSUS

THE STATE OF ASSAM ,REP. BY P.P., ASSAM.

Advocate for the Petitioner : F K R AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25-09-2023

Heard Mr. FKR Ahmed, learned counsel for the accused and also heard Mr. D. Das, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by the accused namely, 1. Md. Abdul Jalil, 2. Md. Rofiq Islam and 3. Md. Mamun Oli Ullah who has been languishing in jail hajat since 23.8.2023

in connection with Jagirod P.S. Case No.230/2023, under Section 420 /468 /471/34 IPC (G.R.Case No. 1367/2023) since 2.8.20123 for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one WSI(P) Kanchan Basumatary on 1.8.2023.

The essence of allegation made in the aforesaid FIR is that acting on a tip off regarding running of illegal cyber crime scam in his house by one Abdul Jalil, she alongwith other staff conducted search in the house of Abdul Zalil and recovered 504 nos of SIM card, 5 nos of smart phones, 4 nos of keypad mobile handsets, Cash Rs. 1,40,000/-, two nos of bank pass book, ATM card and one cheque book from the possession of Md. Mamun Oli Ullah, Md Abdul Kalam and Md. Baharul Islam and similar operation was conducted in the house of Rafique Islam and during search recovered and seized 739 nos of VI and Jio SIM card alongwith the 4 nos. of mobile handsets from the possession of the accused Md. Rafique Islam, Md. Abdul Jalil and Md Mufeed Ali.

Learned counsel for the accused submits that all the three accused persons were arrested on 2.8.2023, and since then they are languishing in jail hajot for last 55 days and no charge sheet has been submitted till date and there remains five days only to elapse the statutory period of detention and therefore, considering the period of detention, it is submitted that the accused may be granted bail.

On the other hand, Mr. Das learned Addl. P.P. has submitted that he has not received the case diary, but, he has not disputed that the accused are behind the bar for last 55 days.

Having heard the submissions of learned Advocates for both sides, I have carefully gone through the petition and the documents placed on record and though the case diary has not been produced before this,Court yet considering the period of detention of the accused person and balancing the same with the nature and gravity of the offence and the punishment prescribed for the same, this Court is inclined to allow this petition, it is provided that on furnishing a bond of Rs.50,000/- each, with one surety of like amount to the satisfaction of learned CJM, Morigaon the accused persons be enlarged on bail.

In terms of above, the bail application is disposed of.

JUDGE

Comparing Assistant