

GAHC010232902023



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

Case No. : Bail Appln./3714/2023

MOKIBUL ISLAM
S/O AYNAL HOQUE
VILL AND P.O. NOWAGAON
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, T THE GOVT. OF ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-10-2023

Heard Mr. A M Khan, learned counsel for the petitioner and Mr. B B Gogoi, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC the petitioner, namely, **Mokibul Islam**, is seeking bail in connection with **Jalukbari Police Station Case No. 513/2023**

corresponding to G.R. No. 6492/2023 registered under Sections 417/420 of IPC, wherein he was arrested on 02.10.2023 and since then, he is in custody.

As per case, the informant on 24.08.2023 in the early hours tried to withdraw money from the ATM of Apex Bank at Adabari Tiniali, Guwahati and his ATM Card got stuck in the ATM machine and he failed to retrieve his ATM Card from the ATM machine. Then he tried to call the helpline number as provided in the ATM room.

Though as per the advice given over phone he again pressed his password, but his ATM Card did not retrieve. Later, he informed the bank authority about that. On the same day in the morning hours up to 8 AM money was shown to be withdrawn from his bank account on four occasions of Rs. 9,500/-, Rs. 9,500/-, Rs. 6,000/- and Rs. 18,950/- in total Rs. 43,950/-.

As such, the informant filed the FIR on 29.08.2023, after informing the concerned bank about the fraudulent withdrawal of money from his bank account using his ATM Card.

Perused the Case Diary placed before the Court by Mr. B B Gogoi, learned Additional Public Prosecutor, Assam.

During investigation, police apprehended five accused persons, including the present petitioner.

Case Diary reveals involvement of the petitioner and other accused persons in such fraudulent withdrawal of money from various bank accounts using ATM cards.

Case Diary also reveals that the investigation is still on.

At this stage, Mr. A M Khan, learned counsel for the petitioner has submitted that the minor daughter of the petitioner expired on 23.10.2023 and placed a certificate issued by the Secretary, Nowagaon Anchalik Kabarsthan on 26.10.2023, stating that one Mabuja Parbin, daughter of Mokibur Islam of village Nowagaon, P/O-Nowagaon, P/S-Manikpur of district Bongaigaon died on 23.10.2023 and her dead body was buried at Nowagaon Anchalik Kabarsthan. However, from the Case Diary and the Forwarding Report of the Case, it is seen

that the petitioner is a resident of village-Sariyatpur, P/S-Kalgachia, District-Barpeta.

As such, the Court is not inclined to accept such submission of the learned counsel for the petitioner.

Finding sufficient incriminating materials against the petitioner regarding his involvement in the alleged crime, the Court is not inclined to grant bail to the petitioner, named above, in **Jalukbari Police Station Case No. 513/2023** considering his length of detention since 02.10.2023, as the investigation of the said case is still going on.

Accordingly, this bail application stands rejected.

Return the Case Diary.

JUDGE

Comparing Assistant