

GAHC010233092023



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

Case No. : AB/3506/2023

ALTAB HUSSAIN
S/O MOIDAN ALI VILL KHORIDAGOSSAINGAON P.O. CHAPAR P.S. CHAPAR
DIST. DHUBRI ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR R A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 19.10.2023

Heard Mr. N. J. Dutta, learned Counsel appearing for the petitioner. Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor appearing for the State of Assam.

2. By this application under Section 438 of Cr. P.C., the petitioner, namely, Altab Hussain is seeking Anticipatory Bail

apprehending arrest in connection with an FIR lodged by the informant, Nabajit Pathak, ACS, Circle Officer and Executive Magistrate, Chapar, which is registered as Chapar Police Station case No. 54/2018, registered under Sections 420/466/468/471 of IPC.

3. By an FIR dated 17.02.2018 lodged by the informant, Nabajit Pathak, ACS, Circle Officer and Executive Magistrate, Chapar it was alleged that the petitioner had overwritten on the Income Certificate and had made an attempt to reduce the amount of income recorded by overwriting and using eraser. The income as per the Office report was shown as Rs. 85,000/- and the same was overwritten and showing Rs.30,000/-.

4. The learned counsel for the petitioner submits that although the allegations have been made against the petitioner, however, he was never arrested in connection with the said case. The petitioner submits that his son was suffering from terminal disease and in order to availed certain benefits, he had approached the Office and the income according to him, at that relevant point in time, he decided to insert in the said certificate stopped. The same, was however, never accepted and no monetary benefits was availed of by the petitioner.

5. The FIR was lodged on 17.02.2018 and the police is now in search of the petitioner and therefore, he apprehends. The

son of the petitioner is under regular treatment and because of which he has to taken to the hospital in Guwahati.

6. Under such circumstances he has approached this court praying for grant of anticipatory bail.

7. Ms. B. Bhuyan, learned Addl. P.P submits that as per the Case Diary, the matter is still under investigation and materials revealed that there was an interpolation undertaken by the petitioner on the said Income Certificate. Therefore, prayer for bail should be rejected.

8. Having heard the learned counsels of the petitioner and upon perusal of the petition, it is seen that there was some changes made to the Income Certificate as alleged in the FIR and is found in the Case Diary during the course of investigation. However, no charge-sheet has been filed as on date. Petitioner's son is suffering from terminal disease, which is not disputed by the investigating authorities.

9. Considering all of the above, and also considering the progress of the investigations carried on as well as the statements having already been recorded by the Investigating Officer, this Court does not find any reason for further custodial detention of the petitioner in the absence of any such materials to that effect.

10. This Court is of the view that the prayer for anticipatory bail by the petitioner can be granted. Accordingly, in the event

of arrest of the petitioner in connection with the aforementioned case, the petitioner is released on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one (1) local surety of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

1. That the petitioner shall appear before the Investigating Officer within 10(ten) days from today and on every such dates as required by the I/O till investigation is completed;
 2. The petitioner shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Chapar Police Station.
 3. That the petitioner shall not hamper or tamper with the investigation in any manner; and
 4. That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.
11. If any of the conditions are found to be violated by the petitioner, then the Investigating Officer shall be at liberty to

seek cancellation of the bail granted to the petitioner.

12. Anticipatory bail petition is accordingly disposed of.
13. Return the Case Diary.

JUDGE

Comparing Assistant