

GAHC010253912023



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

Case No. : Bail Appln./4079/2023

MOFIDUL ISLAM
S/O IMAN ALI
VILL- JOPEA, BORAICALA
P.S. MERERCHAR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M KHAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04-12-2023

Heard Mr. A.M.Khan, learned Counsel for the applicant and also heard Mr. K. K. Parasar, learned Addl.P.P. for the State respondent.

This application u/s 439 of Cr.P.C. is preferred by accused Mofidul Islam who has been languishing in jail hajat in connection with Abhayapuri P. S. Case No. 267/2023, u/s 420/379 IPC. The above noted case has been registered on the

basis of one FIR lodged by one Golbor Hussain on 7.6.2023.

The essence of allegation made in the FIR, dated 7.6.2023, is that on 30.1.2023, he received one call from Airtel Complaint centre to know about his recharge plan and from that number he was asked questions, in various ways and took last four digit of his ATM card and that on 31.1.2023, he had received a message from SBI, Abhayapuri to the effect that a sum of Rs. 52,000/- has been debited from his account No.070801005891, then he contracted the Bank authority who advised him to lodge a complaint.

Learned counsel for the accused submits that the accused was arrested on 30/10/2023, and since then he has been languishing in jail hajot. The learned counsel for the accused further submits that the present accused is not the account holder of the account number mentioned in the FIR and no amount was credited in his account and that he is innocent and ready to face trial and therefore, it is contended to allow the petition.

On the other hand, Mr. Parasar, learned Additional P.P. submits that he has not received the case diary, but he has received instruction that the I.O. has already completed investigation and laid charge sheet against the applicant, vide charge sheet No. 398/2023, dated 31.10.2023 against the present accused alongwith another accused u/s 420/379/206 IPC.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the document placed on record. And it appears that the accused was arrested on 30.10.2023, and since then he has been languishing in jail hajot. As submitted by Mr. Parasar, learned Addl. P.P., the

investigation of the case has already been completed and charge sheet has been submitted against the present accused alongwith another accused to stand trial u/s 420/379/206 IPC.

Since Charge Sheet has been submitted, there is no question of hampering investigation, at this stage, and he is behind the bar since 30.10.2023, and having considered above and the period of detention and balancing the same with the nature and gravity of the offence, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/ with one surety of like amount to the satisfaction of the SDJM(M), North Salmara, Abhayapuri, the accused be enlarged on bail.

JUDGE

Comparing Assistant