

GAHC010264352022



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

Case No. : Bail Appln./3587/2022

HANIFUR RAHMAN AND 3 ORS
S/O. LT. AJIJUR RAHMAN, R/O. SONAPUR PATHAR, P.S. SONAPUR, DIST.
KAMRUP (M), ASSAM.

2: AMINUL HAQUE @ AMIN
S/O. AHMED ALI
R/O. MADHYA BHAKUAMARI
P.S. AND DIST. BARPETA
ASSAM.

3: LOTFAR RAHMAN @ ROCKY
S/O. ABUL KALAM
R/O. KOYAKUCHI
BHAUAMARI
P.S. AND DIST. BARPETA
ASSAM.

4: SAHIDUL ISLAM
S/O. SUKUR ALI
R/O. KOYAKUCHI
BHAUAMARI
P.S. AND DIST. BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

O R D E R

03.01.2023.

Heard Mr. N.J. Dutta, learned counsel for the accused. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam, for the State respondent.

This application, under Section 439 of the Code of Criminal Procedure, is preferred by four accused, namely, Hanifur Rahman, Aminul Hoque @ Amin, Lotfar Rahman @ Rockey and Sahidul Islam, who are languishing in jail hazot since 16.10.2022, in connection with the Hatigaon P.S. Case No.466/2022, under Sections 420/379 of the IPC, read with Section 66 of the I.T. Act, for grant of bail.

The said case has been registered on the basis of an F.I.R., lodged by one Dibakar Basumatary on 07.10.2022, to the effect that 04.10.2022, at about 10:00 A.M., he withdrawn a sum of Rs,3000/- from the SBI ATM, situated at Ghoramara Chariali and at that time, two unknown persons exchanged his ATM card and later, he came to know that a sum of Rs.96,400/- has been withdrawn from his Savings Account.

Mr. N.J. Dutta, learned counsel for the accused submits that the accused persons have been shown arrested in the present case by the I.O. on 15.12.2022, and since then, they are behind the bar for last 19 days and they have already been granted bail by this Court in some other cases of Hatigaon, Sorbhog and Jalukbari P.S. and that the accused persons are ready to cooperate with the investigating agency and therefore, it is contended to allow the

petition.

On the other hand, Mr. B.B. Gogoi, learned Addl. P.P., Assam has produced the case diary before this Court and fairly submits that they have been shown arrested with the present case only on suspicion and the materials collected so far in the case diary are inadequate to show their complicity with the offence alleged in the FIR.

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. Gogoi, learned Addl. P.P., Assam.

It appears that the accused persons have been shown arrested on 15.12.2022, here in this case, and further, it appears from the materials collected so far in the case diary that they have been shown arrested in the case only on suspicion and their further custodial detention seems to be unwarranted in the interest of investigation of the case, and therefore, it is provided that on furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand) each, with one surety of like amount to the satisfaction of the learned CJM, Kamrup (M) at Guwahati, the accused persons, named above, shall be enlarged on bail, in connection with the Hatigaon P.S. Case No.466/2022.

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

The case diary be returned.

JUDGE

Comparing Assistant