

GAHC010264592023



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

Case No. : AB/3961/2023

SADDAM HUSSAIN
S/O- ABDUL MOTIN, R/O- VILL.- KADAMONI PATHAR, P.O. AND P.S. JURIA,
DIST. NAGAON, ASSAM, PIN- 782446.

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

20.12.2023

Heard Mr. A.I. Uddin, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Saddam Hussain, who is

apprehending his arrest in connection with Juria P.S. Case No. 293/2023, under Section 120B/420/406/468 of the Indian Penal Code.

The gist of accusation in this case is that on 14.11.2023, one Sri Mintu Das had lodged an FIR before the Officer-In-Charge of Juria Police Station, *inter-alia*, alleging that the informant has received information through reliable sources that one Jahirul Islam has been indulging in habitual financial frauds by opening current account in the name of NE Mushroom Business Group at ICICI Bank, Sibsagar Branch and though he is neither a businessman nor a service holder, however, from the month of April, 2023 to the month of November, 2023 several crores of rupees were credited and debited from his current account No. 062105007887.

It is further alleged in the FIR that the said current Account is presently freezed as per the complaint received by the ICICI Bank authority from one Gamdevi Police Station Gujarat, Mumbai MH Crime Cell and Uttar Pradesh Police, Ghaziabad.

It is also alleged in the FIR that the accused Jahirul Islam and the present petitioner and the other co-accused are suspected to be involved in nationwide financial fraud and on 04.11.2023, the said Jahirul Islam and his other co-accused namely, Saddam Hussain, i.e. the present petitioner took shelter at Pabitora Lodge, Sixmile, Guwahati in the Room No. 108 and on that day a total amount of Rs. 2,33,93,807.12(Two crore thirty three lakh ninety three thousand eight hundred seven rupees and twelve paisa) was credited to the aforesaid current account of Jahirul Islam and thereafter, the entire amount was debited from his account to several other accounts.

Learned counsel for the petitioner has submitted that the petitioner is a media journalist attached to N.B. News and he is in no way involved in the

offence alleged in the FIR against him. Rather on 3rd November 2023, upon receipt of some information the petitioner went to Guwahati for his sting operation to cover news relating to financial fraud committed by accused Jahirul Islam.

It is submitted by the learned counsel for the petitioner that the petitioner only endeavour was to unearth the entire truth by doing his sting operation as a media professional.

On the other hand, learned Additional Public Prosecutor, has produced the case diary of Juria P.S. Case No. 293/2023, which was called for in connection with this case and has vehemently opposed the grant of bail to the present petitioner at this stage of the investigation is still at initial stage and there are incriminating materials against the present petitioner.

It is further submitted by the learned Additional Public Prosecutor that the co-accused Jahirul Islam has stated that it was the present petitioner who called him to Guwahati along with his bank documents like, ATM Card, Pass-book and etc. and he was assured that against every transaction of Rs. 1 lakh the co-accused Jahirul Islam would be paid Rs. 1000/- However, he has only been paid Rs. 10,000/- in total.

I have considered the submissions made by the learned counsel for both the sides and have perused the case diary of Juria P.S. Case No. 293/2023.

On perusal of the case diary, it appears that the investigation is still in its initial stage and at this stage there are sufficient incriminating materials against the present petitioner, Saddam Hussain in the case diary.

Hence, this Court is of the considered opinion that this is not a fit case to grant the benefit of Section 438 of the Code of Criminal Procedure, 1973 in favour of the present petitioner at this stage of the investigation. Accordingly,

the prayer for anticipatory bail of the petitioner is rejected.

With the above observations, this bail application is accordingly dismissed.

Send back the case diary.

JUDGE

Comparing Assistant