

GAHC010275472023



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

Case No. : Bail Appln./4437/2023

UMOR SADDIK AND ANR
S/O KAJIM UDDIN
R/O VILL- SAHARIAPAM, WARD NO. 10, P.S. MOIRABARI
DIST. MORIGAON, ASSAM

2: WASIM AKRAM
S/O ABDUL MALLIK
R/O VILL- DHING BORCHAPORI
WARD NO. 06
P.S. JURIA
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

19.12.2023

Heard Ms S K Nargis, learned counsel for the petitioners, 1) Umor Saddik and 2)

Wasim Akram.

2. The petitioners have filed this application under Section 439 CrPC, with prayer for bail as they are in jail since 03.11.2023 in connection with Moirabari PS Case No. 224/2023, under Sections 120(B)/419/420/467/468/471/ 406/34 IPC, read with Sections 66(C) and 66(D) of the IT Act.

3. Heard Ms A Begum, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that Sri Ajay Gupta sent an e-mail to the DGP Grievance Cell, regarding suspicious activities through his bank account in IDFC Bank using his credentials in the State of Assam. This was noticed by Sri Ajay Gupta while he was filing his Income Tax Return for the Financial Year- 2022-2023, through his Chartered Accountant. Then, Ajay Gupta also learnt that someone has fraudulently opened a bank account by using his ID and PAN Card in the State of Assam, where he had never resided and where he had never opened an account. While downloading his CIBIL Report, the details of Majaharul Islam surfaced. Later, it was learnt that Majaharul Islam along with Mohib Ullah and the present petitioners have prepared several fake documents and they have hacked into the accounts of several individuals and siphoned out huge amount of money in the garb of loan obtained by the individuals whom they have impersonated through the fake documents.

5. It is submitted that the petitioner No. 2 is a student and a young lad of 20 years. It is also submitted that the petitioner No. 2 will cooperate with the investigation and he will refrain from such activities.

6. It is also submitted that the petitioner No. 1 is languishing in jail for 46 days.
7. The learned Additional Public Prosecutor has raised serious objection against the bail petition, stating that there are incriminating materials in the Case Diary against the petitioners and they are deeply involved in the crime.
8. I have considered the submissions at the Bar with circumspection.
9. I have also perused the Case Diary.
10. Indeed, there are incriminating materials in the Case Diary against the petitioners. However, I have considered the length of detention. It appears that further custodial detention of the petitioners for the progress of investigation may not be required.
11. I have also considered the submission that the petitioner is willing to cooperate with the investigation as well as the trial. The petitioners are local residents and it is submitted that they are not flight risks.
12. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioners are enlarged on bail of Rs. 50,000/- (Rupees Fifty Thousand) each, with a suitable surety of the like amount, to the satisfaction of the learned CJM, Morigaon, under the conditions that:-
 - i) the petitioners shall refrain from such activities with which they are

alleged,

ii) the petitioners shall cooperate with the trial, and

iii) the petitioners shall not leave the jurisdiction of the Court without prior permission from the jurisdictional Court, till completion of trial.

On breach of any of the bail conditions, the bail order shall stand cancelled.

13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant