

GAHC010290232023



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

Case No. : Bail Appln./4639/2023

MAINUL HOQUE
S/O HAZRAT ALI
R/O VILL- BATIAMARI
P.S. BOKO
DIST. KAMRUP (RURAL), ASSAM
PRESENT ADDRESS-
HOUSE NO. 17, BITOPAN PATH, NOTBOMA PANCHALI,
HATIGAON, P.S. HATIGAON, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21-12-2023

Heard Mr. S.H. Sikdar, learned counsel for the petitioner Mainul Hoque.

The petitioner has filed this application under Section 439 of the Code of

Criminal Procedure (Cr.P.C. for short) as he is behind the bars since 22.11.2023 in connection with Cyber Police Station Case No.12/2023 under Sections 120B/419/420 of Indian Penal Code (IPC for short) read with Sections 66C/66D of I.T. Act, 2000, added Sections 409/468/471 IPC.

Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

I have considered the submissions at the bar.

The FIR unfolds that the informant, the Circle Officer of Dispur Revenue Circle had lodged an FIR for detection of unauthorized access to CO login of Dispur Revenue Circle. A detailed report was submitted before the Deputy Commissioner, Kamrup(M) on 01.11.2023. Through the report it surfaced that a mutation order was passed online in the Dhartiree portal on 05.10.2023 in *Case No. MET/DIS/2022-23/96042/OMUT* against a deed bearing serial 6268 dated 31.12.1995 wherein no offline case record of any notice issued, order etc. was found to be available in the Office of the Circle Officer.

The Lat Mandal reported that neither field verification nor any report was submitted in respect of the referred mutation case. Thereafter, with the help of the DIO, NIC, Kamrup(M) the login history was taken and it revealed that:

An IP address 10.177.88.65 had recorded the login and logout history amounting to 52 (fifty two) times within 04.10.2023 to 26.10.2023.

An IP address 10.177.88.58 had recorded twice login and logout history on 10.10.2023.

List of official 33 operational IP addresses in the Office of the Circle Officer, Dispur Revenue Circle was submitted for reference. The aforementioned IP addresses were not found from the official list of 33 (thirty three) IP

addresses allotted to the office of the Dispur Revenue Circle. The Office of the Dispur Revenue Circle was accessed in an unauthorized and illegal manner through the aforementioned IP addresses and a detailed investigation commenced. It is submitted that the petitioner is not involved with the fraudulent activities relating to the Sale Deed No. 6268 dated 31.12.1995.

It is submitted that the petitioner is an Advocate and he is the sole bread winner of the family.

I have considered the submissions at the bar with circumspection.

The petitioner was in police custody for fourteen days on the order of the learned Chief Judicial Magistrate, Kamrup(M). It appears that petitioner had been interrogated thoroughly. I have also considered the length of detention. It appears that the further custodial detention for the progress of the investigation may not be required.

I have considered the submissions that the petitioner being an advocate is a local resident and he is not a flight risk.

In view of my foregoing discussion, this bail application stands allowed and the petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M) under the conditions that:

- (1) *The petitioner shall refrain from such activities with which he is alleged.*
- (2) *The petitioner shall not leave the jurisdiction of the Court without prior permission till completion of trial.*

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

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant