

GAHC010003322024



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

Case No. : Bail Appln./57/2024

BAHARUL ISLAM
S/O MUSLIM UDDIN R/O VILL HOLOUKANDA PS LAHARIGHAT DIST.
MORIGAON ASSAM PIN 782127

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A A DEWAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24-01-2024

Heard Mr. A. A. Dewan, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr. P. C. is preferred by accused, Baharul Islam who has been languishing in jail hajot since 14.12.2023, in connection with Laharighat P.S. Case No. 300/2023, under Sections 419/420/ 466/ 468/

471/ 473/ 474/ 34 IPC read with Section 66(C)/ 66(D) of I.T.Act, 2000, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by S. I. Prabin Chandra Bora of Laharighat P.S on 30.12.2023.

The essence of allegation, made in the FIR, dated 30.12.2023., is that one Giasuddin Ahmed, Harun Rashid, Jainul Hoque, Faizuddin, Rakibul Hussain , Earup Hussain, Abu Shahid, Wahidul Hoque Ansari and Baharul Islam are involved in preparation of forged document such as, PAN Cards, Aadhar Cards, Birth Certificates, Seals etc. and also obtained SIM card using those fake documents and they obtained online loans from various entities/ financial institutions by providing such fake documents in the name of different persons to defraud the entities and therefore did not return the loan amount.

The learned counsel for the accused submits that the accused was arrested on 14.12.2023 and since then he has been languishing in jail hajat for last 41 days. Further, Mr. Dewan, learned counsel for the accused submits that some of the co-accused have already been enlarged on bail and that the accused is suffering from renal diseases and being admitted at Morigaon Civil Hospital and undergoing treatment and therefore, considering the period of detention and also considering the medical condition, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P. submits that investigation is going on and the I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. Barua, learned Addl. P.P. has contended to dismiss the petition.

Having heard the submission of learned Advocates of both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl.

P.P for the State respondent.

It is not in dispute that the accused has been languishing in the jail hajat for last 41 days. Further, it appears that the accused has been suffering from renal diseases and that a report was called for from the Superintendent, District Jail, Morigaon dated 08.01.2024, and the same has been received from the Superintendent, District Jail, Morigaon wherein it is stated that the accused is being hospitalized in Civil Hospital , Morigaon since 09.01.2024 and he has been suffering from renal calculi and urinary tract infection and undergoing treatment there.

Having regards to the above, and also having regards to the nature and gravity of the offence and the punishment prescribed for the same and balancing the same with the period of detention, this Court is of the view that further custodial detention of the accused may not be required, in the interest of investigation. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant