

GAHC010004172024



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

Case No. : Bail Appln./97/2024

RABBUL HUDA
S/O MD. AMSAR ALI
VILL- SAGUNBAHI
P.S. MOIRABARI,
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

22.01.2024

Heard Mr. M. Dutta, learned counsel for the accused petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam appearing for the State respondent.

- 2.** This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting regular bail to the accused petitioner, namely **Rabbul Huda**, who was arrested on 20.12.2023, in connection with **Crime Branch P.S. Case No.11/2023** under Sections **120B/420/ 468/471/409** of the IPC.
- 3.** The case of the prosecution, in brief, is that the petitioner has produced fake documents in connection with his regularization to the post of Teacher in the No.2 Goroimari MEM School.
- 4.** Mr. M. Dutta, learned counsel for the accused petitioner submits that the petitioner is totally innocent and has not forged any document and that the case made out against the petitioner is totally false and concocted and is designed to harass the petitioner, who was playing an active role in connection with release of his salaries and his fellow petitioners in connection with order dated 03.03.2017 passed by this Court in WP(C) 268/2013. Mr. Dutta also submits that the alleged incident of forgery is related to the year 1995-1997. He further submits that the petitioner has been languishing in jail since last 33 days and the investigation has progressed substantially.
- 5.** On the other hand, Mr. K.K. Parasar, learned Addl. P.P. strongly opposes the prayer of bail. He submits on the basis of the materials available on the case diary that there are sufficient materials to indicate that the petitioner has submitted fake documents in order to secure regularization in the subject post.
- 6.** I have considered the submissions made at the bar and perused the materials available on record including the case diary.
- 7.** It appears from the case diary that the investigation has progressed substantially and statements of the witnesses have already been recorded.
- 8.** In that view of the matter and keeping in mind that the incident is of the

year 1999 and the documents have already been seized, this Court is of the opinion that further detention of the accused petitioner may not be required.

9. Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.30,000/- (Rupees Thirty Thousand)** with one surety of like amount to the satisfaction of learned **C.J.M., Kamrup(M), Guwahati** subject to the following conditions-

i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and

ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court.

10. Return the case diary.

11. The bail application stands disposed off.

JUDGE

Comparing Assistant