GAHC010007422024

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

Case No. : Bail Appln./156/2024

MD. GULZAR HUSSAIN
SON OF ABDUL MALEQUE, VILLAGE- LUCHONABORI, WARD NO.01, P.S. MOIRABARI, DIST.- MORIGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-01-2024

1. Heard Mr. U.U. Khan, learned counsel petitioner Md. Gulzar Hussain.

2. The petitioner has filed this application under *439 of the Code of Criminal Procedure, 1973* with prayer for bail in connection with Moirabari Police Station Case No. 247/2023 registered under Sections *120(B)/419/420/406/467/468/379/34* Indian Penal Code read with Section

66(c)/66(d) of I.T. Act. The petitioner has been behind bars since 14.12.2023.

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

4. The learned Additional Public Prosecutor has raised serious objection against the bail petition.

5. The FIR unfolds that the petitioner along with the co-accused named in the FIR has been running an illegal racket by morphing the image of people from different locations across the country and fraudulently creating numerous identities in order to gain wrongful loans from different finance companies by using electronic devices such as mobile phones and other fake documents. The petitioner is involved in cyber crime.

6. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the case diary against the petitioner. The petitioner is alleged with serious offence of siphoning off of funds of innocent citizens. The other accused persons are yet to be arrested.

7. I have perused the case diary. Indeed there are incriminating materials in the case diary against the present petitioner. The case diary reveals that investigation has also progressed to a certain extent. It appears that custodial detention for the progress of the investigation may not be required. The petitioner has pledged to cooperate with the remaining part of the investigation as well as with the trial. The petitioner is a local resident. The petitioner has also submitted that he will abide by any bail conditions if imposed upon him.

8. Considering all aspects, petition is allowed.

9. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction

of Eleka Magistrate under the conditions that:

1. *The petitioner shall cooperate with the investigation.*
2. *The petitioner shall not leave the jurisdiction of the Court without written permission till completion of the investigation.*
3. *He shall not tamper with the evidence or exercise threats to witnesses.*
4. *He shall refrain from such activities with which he is alleged.*
5. *The petitioner shall appear before Investigating Officer after every fortnight till completion of investigation.*

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

11. Send back the case diary.

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant