GAHC010007902024

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

Case No. : AB/114/2024

FERDUS ALAM
S/O HAZRAT ALI
R/O DUWAMARI
P.S. LAHARIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-01-2024

1. Heard Mr. S.M. Abdullah P, learned counsel for the petitioner.

2. The petitioner, namely, Ferdus Alam has filed this application u/s 438 Cr.PC with prayer of pre-arrest bail as he is apprehending arrest in connection with Laharighat P.S. Case No.

300/2023 registered u/s 419/420/466/468/471/473/474/34 of the Indian Penal Code, R/W Section 66(C)/66(D) of Information Technology Act.

3. Heard Mr. D.P. Goswami, learned Addl. PP, Assam.

4. I have considered the submissions at the Bar with circumspection. I have also perused the Case Diary.

5. The learned Addl. PP has submitted that there are incriminating materials in the Case Diary against the petitioner.

6. The FIR unfolds that the accused named in the FIR have been engaged in illegal activities of duping the citizens of this nation with false/forged documents and taking online loans from various entities by providing fake documents. The accused prepared fake, forged Pan Cards, Aadhar Cards, Birth Certificates, seals etc. and also obtained sim cards using those fake documents. They procured online loans from various entities and financial institutions by providing such fake/forged documents by posing as genuine persons to defraud the entities, by not returning the loans they have procured. On the intervening night of 12.12.2023 and 13.12.2023 the police party who received a tip off raided various places under the Laharighat P.S. area and searched the residences of the accused named in the FIR and found several Sim Cards, Pan Cards, Birth Certificates, seals and other incriminating items in their possession. Two of the culprits namely, Firdus Alom and Ashik Anowar managed to escape. The documents were used by the accused named in the FIR to procure loans and commit online fraud.

7. It is submitted on behalf of the petitioner that co-accused have already released on bail. The petitioner has prayed for bail on the ground of parity.

8. I have perused the Case Diary. The FIR clearly incriminates the petitioner. There are incriminating materials in the Case Diary against the petitioner.

9. I have considered the submissions of the prosecution that the petitioner along with his co-accused are working in tandem and their network has its tentacles over a wide area. They have been defrauding the banking institutions as well as several other individuals. I have considered the import of sections under which the petitioners are booked and the allegations levelled against the petitioner. At this juncture there appears to be no justified ground to

extend the privilege of anticipatory bail to the petitioner.

10. Petition is rejected at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant