

GAHC010014202024



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

Case No. : Bail Appln./224/2024

MD. ARIF AHMED
TATIKATA PATHAR, WARD NO. 5, P.O/PS- MOIRABRI, DIST. MORIGAON,
ASSAM, PIN- 782126

2: MD ABDUL MOHSIN ALI
S/O. MD ABDUL MATIN

R/O. TATIKATA PATHAR
WARD NO. 5
P.O/PS- MOIRABRI
DIST. MORIGAON
ASSAM
PIN- 782126

3: MD ANARUL HOQUE
S/O. MD NURUL AMIN

R/O. BHAJAL KHAITI PATHAR
WARD NO. 5
P.O/PS- BHELOWGURI
DIST. MORIGAON
ASSAM
PIN- 78212

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : M. AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 29-01-2024

1. Heard Mr. S.K. Jain, learned counsel for the petitioners.
2. The petitioners Md. Arif Ahmed, Md. Abdul Mohsin Ali and Md. Anarul Hoque have 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 petitioners have been behind bars since 21.12.2023.
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 petitioners along with the co-accused named in the FIR have 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 petitioners are involved in cyber crime.
6. The learned counsel for the petitioners have prayed for bail on the ground of parity as co-accused named in the FIR have already been enlarged on bail.

7. I have considered the submissions at the Bar with circumspection. Investigation may have presumably progressed to a certain extent. The petitioners are behind bars since 21.12.2023. It appears that further custodial detention for the progress of the investigation may not be required. The petitioners have pledged to cooperate with the remaining part of the investigation as well as with the trial. The petitioners are local resident and they are not a flight risks.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner are enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of Eleka Magistrate under the conditions that:

- i. The petitioners shall cooperate with the investigation;
- ii. the petitioners shall not leave the jurisdiction of the Court without written permission till completion of the investigation;
- iii. the petitioners shall not tamper with the evidence or exercise threats to witnesses; and
- iv. the petitioners shall refrain from such activities with which they are alleged.

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

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant