

GAHC010021462024



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

Case No. : Bail Appln./328/2024

ASIF AHMED
RESIDENT OF- VILL BISAMARI
P.S. DHING
DISTRICT. NAGAON

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.02.2024

Heard Ms. T. Som, learned counsel for the accused and Mr. K.K. Das, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Asif Ahmed**, who has been languishing in jail hazot since 20.01.2024, in connection with the **Jajori P.S. Case No. 03/2024**, under Sections 120[B]/466/468/471 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by ASI

Sanjay Saikia, on 19.01.2024. The essence of allegation against the present accused relates to hatching of criminal conspiracy to prepare false documents, like Pan Card; Aadhar Card; etc., at the shop of one Ikramul Hussain of Hatijujua village and accordingly, a raid was conducted by the informant and his staff in the aforesaid shop and apprehended 8 persons namely, Asif Ahmed; Abdul Hannan; Nur Alom; Parvesh Musaraf; Omar Faruque; Majarul Islam; Hamidul Islam; and Ikramul Hussain and recovered 2 numbers of laptop; 1 number of printer; 1 number of document scanner; 1 number of eye scanner; 1 number of finger scanner; 1 number of web camera; and mobile phones one each from their possession and seized the same, preparing seizure list in presence of witnesses.

4. Ms. Som, learned counsel for the accused submits that the accused was arrested on 20.01.2024, and since then he has been languishing in jail hazot for last 17 days. Referring to an Admit Card, issued by the Board of Secondary Education, Assam, Ms. Som further submits that he is a student of class 10 and his High School Leaving Certificate examination 2024 will be commenced from 16 February, 2024. Ms. Som also submits that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. Das, learned Additional Public Prosecutor, has opposed the bail petition and submits that the forwarding report dated 20.01.2024, indicates complicity of the accused with the offence alleged in the FIR and has prayed for calling the case diary to ascertain the veracity of the allegation made against him.

6. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the Admit Card issued by the Board of Secondary Education, Assam in the name of the accused, produced by the learned counsel for the accused.

7. It appears that the accused person was arrested on 20.01.2024, and since then he has been languishing in jail hazot for last 17 days. Further, it appears that the

accused is a student of class 10 and his High School Leaving Certificate examination 2024 will commence from 16 February, 2024.

8. Having considered above, especially the fact that the accused will appear in the exam of High School Leaving Certificate, 2024, from 16 February, 2024 and also considering the submissions of learned counsel for both the parties, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Nagaon**, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

Comparing Assistant

JUDGE