

GAHC010026222024



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

Case No. : AB/342/2024

MONOWARA BEGUM AND 2 ORS.
W/O ASAD UDDIN
R/O M.K. CHOUDHURY ROAD,
P.O, P.S. HOJAI, ASSAM

2: ABDUL AHAD
S/O ASAD UDDIN
R/O M.K. CHOUDHURY ROAD
P.O
P.S. HOJAI
ASSAM

3: ABDUL MUKIT
S/O LATE ABDUL KHALIQ CHOUDHURY
R/O 2 NO. SHIVPUR
MURAJHAR HOJAI
ASSAM
PHONE NO. 995705895

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K SHARMA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

26.02.2024

Heard Mr. A.K. Sharma, learned counsel for the applicant and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Murajhar P.S. Case No. 11/2024**, under Sections 120(B)/419/468/471 of the IPC read with Section 14 of the Foreigners Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Monowara Begum; Abdul Ahad; and Abdul Mukit** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one SI (B) Isfakul Hoque, on 24.01.2024. The essence of allegations made in the FIR is that one Abdul Baten Choudhury of Shibpur No. 2, under Murajhar P.S., has harbored one Rina Aktar of Bangadeshi nationals and managed and obtained forged/manipulated documents, such as Adhaar Card; PAN Card; Birth Certificate; School Certificate; Bank Account; and Voter ID etc.

4. Mr. Sharma, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 15.02.2024, and pursuant to the said order, the applicants had appeared before the IO and have been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 15.02.2024, absolute in the same terms and conditions.

5. On the other hand Mr. Lahkar, learned Additional Public Prosecutor by producing the case diary submits that the IO has collected sufficient incriminating materials against all the three applicants. Mr. Lahkar further submits that the

investigation is still going on and that the offences are serious in nature and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the IO has collected sufficient incriminating materials against all the three applicants. It also appears that the investigation is still going on and therefore, this Court is of the view that the custodial interrogation of the applicants seems to be indispensable to unearth the conspiracy of managing Adhar Card and other documents to a foreigner from Bangladesh and also to unearth the other persons involved in the said process.

8. In view of above, this Court is of the considered opinion that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicants. Accordingly, the application stands **dismissed** and the interim order dated 15.02.2024, stands **vacated**.

9. The case diary be returned.

JUDGE

Comparing Assistant