

GAHC010032772024



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

Case No. : Bail Appln./458/2024

JAMIR UDDIN MAZUMDER
S/O FORIZ UDDIN MAZUDER
R/O VILL- SONABARIGHAT PT. I,
P.S. SILCHAR,
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07-03-2024

Heard Mr. G. Uddin, learned counsel for the accused. Also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr. P. C. is preferred by accused, Jamir Uddin Mazumdar, who has been languishing in jail since 2.2.2024, in connection with Silchar P.S. Case No. 112/2024 (G. R No. 288/24), under

Sections 120 (B)/ 468/471/205/209/212 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Satyalal Barman, Bench Assistant, Court of the District & Sessions Judge, Cachar, Silchar on 1.2.2024.

The essence of allegation, made in the FIR, dated 1.2.2024 is that the present accused was standing trial before the learned Court below in Sessions Case No. 74/2017, arising out of Silchar P.S. Case No. 1925/2013. He was charge sheeted as Amir Uddin Mazumdar in the said case and he obtained bail from this Court and submitted bail bond as Amir Uddin Mazumdar before the learned Court below and during his examination u/s 313 Cr.P.C on 31.8.2019, he disclosed that he is not Amir Uddin Mazumdar but one Jamir Uddin Mazumdar and his father's name is also not Harun Rashid. And as such, he has impersonated as Amir Uddin Mazumdar and obtained bail from this Court and also submitted bail bond as Amir Uddin Mazumdar, with ulterior motive.

Mr. Uddin learned counsel for the accused submits that the accused has been languishing in jail hajot for last 34 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P. P. has produced the case diary and submits that the I.O. has collected sufficient incriminating materials against the accused and investigation is going on and therefore, it is contended to dismiss the same.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

Case diary indicates that the I. O. has collected several incriminating materials in support of the allegation made in the FIR. It also appears that the accused has practiced fraud upon this Court while applying for bail and also practiced fraud before the learned Court below. The offences are serious in nature. Investigation is going on and as such, this Court is of the view that this is not a fit case where the privilege of bail can be granted. Accordingly, bail petition stands dismissed. Case diary be returned.

JUDGE

Comparing Assistant