

GAHC010033382024



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

Case No. : AB/426/2024

PARTHA PRATIM BORDOLOI
S/O SADANANDA BORDOLOI
VILL- BARUKATA
P.S. BURAGAON
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01-03-2024

Heard Mr. N. J. Dutta, learned counsel for the applicant and Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State respondent.

Apprehending arrest in connection with Jagiroad P.S. Case No. 09/2024, under Sections 120 (B)/420/468/471 of the IPC, this application under Section 438 of

the Code of Criminal Procedure, 1973, is preferred by applicant namely, Partha Pratim Bordoloi, for grant of pre-arrest bail.

The said case has been registered on the basis of an F.I.R., lodged by one Saurav Mandal, on 5.1.2024.

The essence of allegations made in the FIR is that Partha Pratim Bordoloi is involved with fraudulent activities of issuing Aadhar cards at Dhupguri Gaon Panchayat under Deputy Commissioner, Kamrup(M) and he prepared more than 700 fake aadhar cards by submitting fake and fraudulent documents alongiwith one Salim Ali, Hafizur Rahman and others by using the station I.D 83125 of Partham Pratim Bora.

Mr. Dutta, learned counsel for the applicant submits that admittedly the applicant had issued some aadhar cards but those are not fake aadhar cards as the same were issued based on biometrics of the persons concerned and that the applicant is ready to cooperate with the investigating agency and therefore it is contended to allow the petition

On the other hand, Mr. Lahkar, learned Addl. P.P. submits that he has received the case diary but further enquiry is necessary in respect of involvement of the applicant with the offence alleged.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Addl. P.P.

In view of the materials collected so far in the case diary and also having regards to the nature and gravity of the offence and the punishment prescribed for the same, custodial interrogation of the applicant seems to be not warranted herein this case and therefore, this Court is inclined to allow this petition.

Accordingly, it is provided that in the event of arrest of the applicant, in

connection with Jagiroad P.S. Case No. 09/2024, under Sections 120 B/420/468/471 IPC, he shall be released on pre arrest bail, on his executing a bond of Rs.50,000/ with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicant shall appear before the I.O as and when required.
 2. That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer; and
 3. That the applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Morigaon without prior permission.
- In terms of above, this A.B stands disposed of.

JUDGE

Comparing Assistant