

GAHC010035832024



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

Case No. : Bail Appln./495/2024

SHAHAB UDDIN AHMED
S/O LATE RAIJUDDIN AHMED
VILLAGE-BORBHITHA,, P.O.- JATRADIA, P.S.-TARABARI, DIST-BARPETA,
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06-03-2024

Heard Mr. M. Hussain, 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, Shahab Uddin Ahmed, who has been languishing in jail hajat, in connection with Basistha P.S. Case No. 96/2024, under Sections 379/420, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by

one Raja Ram Mahato on 15.02.2024.

The essence of allegation, made in the FIR, dated 15.02.2024 is that on 9.11.2023 at around 7-30 PM, one hand bag containing 27,200/- and 2 nos. of cheque book of Indian Bank and some other documents were stolen from the Scotty of the informant while he was busy in sweeping in front of his shop, and after few days, the culprit used to give the cheque by forging his signature and filling the amount to many shop keeper for which he used to get call from shop keepers and thereafter, he has given one missing entry with Basistha Police Station on 11.12.2023, and thereafter, on 15.2.2024, at about 10-30 AM, he got a call from the staff of Indian Bank of Jawahar Nagar Branch, whereby it was informed that a person came with a stolen cheque with forge signature and tried to withdraw a sum of Rs. 60,000/- from his account. Then he came to know that the person who came to encash the cheque was one Shahab Uddin Ahmed of Barpeta

Mr. Hussain, learned counsel for the accused submits that the accused was arrested on 15.2.2024, and since then he has been languishing in jail hajot for 19 days and that he is no way involved with the offence alleged in the FIR and the cheque in question was given to him by one Meher Ali, who happens to be his cousin brother for encashment and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P. P. has produced the case diary before this Court and submits that the I.O. has examined some witnesses and also seized the relevant document and the case is pending for arrest of other accused persons.

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.

It appears that the accused was arrested on 15.2.2024, and since then he has been languishing in jail hajot for last 19 days. In view of the materials collected so far in the case diary, as well as the stage of investigation and also the nature and gravity of the offence and balancing the same with the period of detention, this Court is of the view that further custodial detention of the accused may not be warranted, in the interest of investigation and therefore, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail

Case diary be returned.

JUDGE

Comparing Assistant