

GAHC010049362024



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

Case No. : AB/635/2024

SALAM ALI AND ANR.
S/O LATE HASEN ALI, R/O VILL- CHENIMARI, P.S.-JAGIROAD, DIST-
MORIGAON (ASSAM)

2: HAFIJUR RAHMAN
S/O TAYAB ALI
R/O VILL- CHENIMARI
P.S.-JAGIROAD
DIST-MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08.05.2024

Heard Mr. A. Alam, learned counsel for the applicants and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Jagiroad P.S. Case No. 09/2024,

under Sections 120B/420/468/471 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicants, namely, Salam Ali and Hafijur Rahman, for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of an F.I.R., lodged by one Sourav Mandal, on 05.01.2024. The essence of allegation made in the FIR dated 05.01.2024, is that one 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, along with one Salam Ali, Hafijur Rahman and others by using the Station I.D.- 83125 of Partha Pratim Bordoloi.

4. Mr. Alam, learned counsel for the applicants submits that the applicants had been granted the privilege of interim pre-arrest bail, vide order dated 11.03.2024, and pursuant to the said order, they had also appeared before the I.O. and cooperating with the investigating agency, and that the applicants are innocent and ready to cooperate with the investigating agency, and therefore, a contention is being made that the interim order dated 11.03.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. B.B. Gogoi, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that some materials have been collected against the present applicants by the I.O. However, Mr. Gogoi confirms that both the applicants have appeared before the I.O. pursuant to the order dated 11.03.2024 and they have been extending cooperation with the investigating agency.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and

also perused the case diary with the assistance of Mr. Gogoi, learned Addl. Public Prosecutor.

7. It appears that the applicants have appeared before the I.O and cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of this case and therefore, their custodial interrogation, in the interest of investigation, seems not to be warranted here in this case.

8. Accordingly, the interim order dated 11.03.2024, is hereby made absolute in the same terms and conditions.

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

10. Case diary be returned.

JUDGE

Comparing Assistant