

GAHC010050642024



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

Case No. : Bail Appln./710/2024

MOINUDDIN BARBHUIYAN
S/O LATE SAFAR ALI BORBHUIYAN, R/O VILL- DURGANAGAR, PART 1,
P.O.-LARSINGPUR, P.S.-UDHARBOND, DIST- CACHAR, ASSAM, 788002

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S K JAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

15.03.2024

Heard Mr. S.K. Jain, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P, Assam for the State respondent.

This is an application under Section 439 of the Cr.PC, 1973 for granting regular bail to the petitioner, i.e., Moinuddin Borbhuiyan, who was arrested on

01.03.2024 in connection with BI(EO) P.S. Case No. 02/2016 registered under Sections 120(B)/420/409/468/471 of IPC.

The case of the prosecution is that the petitioner by submitting forged documents availed loan of Rs. 45,000/- from the Corporation Bank, Silchar Branch.

Mr. S.K. Jain, learned counsel for the petitioner submits that the petitioner is totally innocent and is falsely implicated in the offence alleged.

Mr. D. Das, learned Addl. P.P on the other hand strongly opposes the prayer for bail. He submits that the documents submitted by the petitioner are forged documents.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the petitioner has cooperated with the investigation and his statement has been already recorded under Section 161 Cr.PC. It further appears that the I.O has not collected any adverse materials as regards the antecedent of the petitioner. That being so, further detention of the petitioner may not be justified for the on-going investigation.

As such, this Court is inclined to grant regular bail to the petitioner.

Accordingly, it is provided that the petitioner named above shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned CJM,

Kamrup, Metro, subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) That the petitioner 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 him from disclosing such facts to the Court or to any Police Officer; and
- (iii) That the petitioner shall refrain from committing any similar offence in future of which he is accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

JUDGE

Comparing Assistant