

GAHC010060022024



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

Case No. : Bail Appln./874/2024

SAIFUL ISLAM
S/O MAINUDDIN
R/O PHUKAN DOLONI,
P.S. LALUK
DIST.LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M A ISLAM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

10.04.2024

Heard Mr. M. A. Islam, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Addl. P.P, Assam appearing for the State respondent.

2. This is an application under Section 439 of the Cr.P.C. for granting bail to the petitioner, namely **Saiful Islam**, who was arrested on 23.02.2024 in connection with **Merapani PS Case No. 4/2024** under Sections **120(B)/409/420/468** of the IPC **R/W Section 66(D) of IT Act.**

3. The case of the prosecution is that an FIR was lodged on 22.02.2024 alleging *interalia* that a company, named, Lucky Bandhan Nidhi Limited is collecting money from the poor and simple people in greater Mirapani sub-division area by using forged passbooks and seal in the name of the said company. It is the further case of the prosecution that the accused petitioner introduced himself as Chairman of the said company and collected money from more than 400 persons with the promise to give loan and pucca house. Accordingly, a case has been registered

4. Mr. M. A. Islam, learned counsel for the petitioner submits that the petitioner is totally innocent and has no role to play with the offence alleged. He further submits that the petitioner is not named in the FIR.

5. Mr. M.P. Goswami, learned Addl. P.P, on the other hand, strongly opposes the prayer for bail. He submits that during interrogation of accused petitioner, namely, Md. Shwaijuddin Ali and other witnesses had came into light that the petitioner is playing a very active role in collecting money from the people in the name of Lucky Bandhan Nidhi Limited. He further submits that the due from the public is yet to be recovered.

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

7. It appears that the investigation is at an active stage. It further appears that the material collected by the Investigating Officer implicates the petitioner with the offence alleged. It further appears from the statement recorded by the Investigating Officer that there are materials available on record to indicate that

the petitioner is actively involved in collecting money from the people.

8. Considering that the investigation is at a crucial stage, this court is of the considered view that at this stage, further detention of the petitioner is essential to unearth the truth.

9. Accordingly the bail application stands dismissed.

JUDGE

Comparing Assistant