

GAHC010064702024



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

Case No. : Bail Appln./927/2024

FAYAZ AHMED @ FOYAJ AHMED LASKAR
S/O ABDUL KHALIL LASKAR
VILL- BOKULAGURI
P.O. BARAPUTIA, P.S. KAMPUR
DIST. NAGAON, ASSAM
PIN-782428

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

10.04.2024

Heard Mr. M. K. Hussain, 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 **Fayaz Ahmed @ Foyaj Ahmed Laskar**, who was arrested on 01.03.2024 in connection with **Barama PS Case No. 145/2023** under Sections **420** of the IPC **R/W Section 66(C)/66(D) of IT Act**.

3. The case of the prosecution is that an FIR was lodged on 14.12.2023 alleging *interalia* that on 10.12.2023 an amount of Rs.3,54,000/- (Rupees three lakhs fifty four thousand) was transferred from the informant's SBI account. Accordingly, a case was registered.

4. Mr. M. K. Hussain, learned counsel for the petitioner submits that the petitioner is totally innocent and falsely implicated with the alleged offence. He further submits that the petitioner is languishing in jail for last 40 days.

5. Mr. M.P. Goswami, learned Addl. P.P, on the other hand, strongly opposes the prayer for bail. He submits that there are materials collected by the Investigating Officer implicating the petitioner with the offence alleged. He further submits that there are materials to indicate that the petitioner is habitually involved in similar offences.

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. The money is yet to be recovered. It further appears that the petitioner is a habitual offender with the offence alleged. It further appears that there are adverse materials as regard the involvement of the petitioner.

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

9. Accordingly the bail application stands dismissed.

JUDGE

Comparing Assistant