

GAHC010080762024



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

Case No. : Bail Appln./1137/2024

MAHIBUL HAQUE
S/O SIRAJUL HAQUE
VILLAGE SITOLI
PS BAGHBAR
DIST BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for : MR. J AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

29.04.2024

Heard Mr. J. Ahmed, learned counsel for the accused and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Mahibul Haque**, who have been languishing in

jail hazot, in connection with the **Hojai P.S. Case No. 88/2024**, under Sections 419/468/471/34 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Dr. Anil Kumar Gupta, on 21.03.2024. The essence of allegations made in the FIR is that one Dr. S. Islam Choudhury has been practicing dentistry at Nilbagan Bazar and Dr. Salim Uddin Majumder has been practicing dentistry at Nilbagan Tiniali and Mainul Hoque has been practicing dentistry at Lanka, without having requisite qualification or registration as required to practice dentistry in the country and one Dr. Rano V. Thaosen has enrolled Dentist Mohibul Hoque and Dr. Nisha Agarwal has enrolled Dentist S. Hoque practicing at various location of Hojai district with their practice.

4. Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 01.04.2024, and since then he has been languishing in jail hazot for last 29 days. However, Mr. Ahmed submits that the accused has no qualification to practice dentistry and that he has submitted all his documents and co-operating with the investigating agency. Mr. Ahmed further submits that he will continue to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Begum, learned Additional Public Prosecutor has produced the case diary before this Court and submits that besides the accused himself admitted his guilt, the IO has collected sufficient incriminating materials against the accused and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 01.04.2024, and since then he has been languishing in jail hazot for last 29 days. Further, it appears that the IO

has collected some incriminating material in support of the allegation made in the FIR against the accused. However, it appears that the investigation in respect of the present accused, appears to be almost completed.

8. Having considered above and also considering the period of detention and balancing the same with the offence alleged in the FIR, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Hojai**, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE