

GAHC010120112024



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

Case No. : AB/1549/2024

ABDUR RAHMAN AND 3 ORS.
D/O JAMAL UDDIN
R/O VILL- KAKARJALA
P.S. JAGIROAD
P.O. JHARGAON
DIST. MORIGAON, ASSAM
PIN-782410

2: SABIQUL ISLAM
S/O ABDUR RAHMAN
R/O VILL- KAKARJALA
P.S. JAGIROAD
P.O. JHARGAON
DIST. MORIGAON
ASSAM
PIN-782410

3: RAJIKUL ISLAM
S/O ABDUR RAHMAN
R/O VILL- KAKARJALA
P.S. JAGIROAD
P.O. JHARGAON
DIST. MORIGAON
ASSAM
PIN-782410

4: MOFIQUL ISLAM
S/O FURKAN ULLAH
R/O VILL- BECHAMARI
P.O. MORABARI

P.S. DHING

DIST. NAGAON

ASSAM
PIN-78212

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP,ASSAM

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.07.2024

Heard Mr G Chamuah, learned counsel for the petitioners, 1) Abdur Rahman, 2) Sabiqul Islam, 3) Rajikul Islam and 4) Mofiquil Islam, who have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Jagiroad PS Case No. 61/2024 (GR No. 303/2024), under Sections 120(B)/420/406/409/468/379/34 of the Indian Penal Code, 1860.

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.

4. It is submitted on behalf of the petitioners that the petitioner No. 3 is a student and he had taken financial help from Manobkalan Nidhi Limited. It is further submitted that this is a registered company and Annexure-5 of the petition clearly reveals the certificate of incorporation. The petitioner No. 1 is the father of petitioner No. 3 and he is in no

way involved in the case. He has been roped in connection with this case as he is the father of petitioner No. 3. Petitioner No. 2 is the brother of petitioner No. 3 and thus, his name too has been roped in connection with this case.

5. The learned Additional Public Prosecutor has raised serious objection against the bail petition stating that there are incriminating materials in the Case Diary against the petitioners.

6. It is submitted that all the petitioners are deeply involved in this case. They have induced innocent citizens to apply for loan by depositing certain amount of money. The innocent citizens have deposited money to procure the loan which have been allegedly misappropriated by the petitioners.

7. I have scrutinized the Case Diary. Indeed there are incriminating materials against the petitioners.

8. At this juncture, I am not inclined to grant anticipatory bail to the petitioners. Petition is thus, rejected at this stage of investigation.

9. Send back the Case Diary.

JUDGE

Comparing Assistant