

GAHC010122202024



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

Case No. : Bail Appln./1758/2024

JUBAIR AHMED
S/O ABDUL KUDDUS
R/O VILL- UDKATI, P.S. LAHARIGHAT,
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.06.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal

Procedure, 1973 for grant of bail to the accused/ petitioner, who has been arrested in connection with Bhuragaon P.S. Case No. 50/2024, under Sections 120(B)/419/420/467/468/ 471/34 of the Indian Penal Code *read with* Section 66(C)/66(D) of the Information Technology Act.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. M. Khan, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is no way connected in the alleged offence. His house was searched only on the information from the other accused persons and from his possession, the I.O. seized 2 (two) mobile handsets, 7 (seven) Debit Cards and 1 (one) Aadhar Card as well as PAN Card and those 7 (seven) Debit Cards were in the name of his family members. He is a hardware shopkeeper and he is also submitting his IT Returns regularly. He was falsely implicated in this case and he is behind the bar for last 45 days and hence, considering his length of detention, he may be enlarged on bail.

In this context, Mr. R. J. Baruah, learned Additional Public Prosecutor, has submitted that it is a racket and the present petitioner, along with others, are engaged in doing the fraud and their *modus operandi* is that they applied for loan by providing some fake documents like Aadhar Card, Voter ID etc. in the name of some fake person and when the loan is disbursed, it directly credited to the account of the accused/petitioner and subsequently he used to disburse the amount by taking the commission of 20-30% for the loan. Thus, it is submitted that the present petitioner is also involved along other persons who are doing the fraud by applying the loan in the name of fake person by producing some

fake identity.

Considering the submissions made by the learned counsels for both sides, nature of allegation and the gravity of offence, I find that further custodial interrogation of the present accused/ petitioner may be required to unearth some more facts of the case and hence, I do not find it appropriate to allow the accused/petitioner to go on bail at this stage and accordingly the present bail application stands rejected.

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

JUDGE

Comparing Assistant