

GAHC010130212024



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

Case No. : AB/1677/2024

SOROF UDDIN BARBHUIYA
S/O LATE MUJAMIL ALI BARBHUIYA, R/O VILL- MOHANPUR PT-I, P.S.-
ALGAPUR, DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M A CHOUDHURY, U U KHAN, MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27-09-2024

- 1.** Heard Mr. M.A. Choudhury, learned counsel for the petitioner. Also heard Ms. N. Das, learned Additional Public Prosecutor appearing for the State of Assam.
- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sorof Uddin Barbhuiya, who is apprehending his arrest in connection with Algapur P.S. Case No. 49/2024 under Section

120B/420/468/405/506 of the Indian Penal Code, 1860.

3. The gist of accusation in this case is that on 03.05.2024, one Halim Uddin Laskar had lodged an FIR before the Officer-In-Charge of Algapur Police Station, inter alia, alleging that the informant was paid two cheques by the Proprietor of M.A. Motors for payment of Rs. 7,40,852/-.However, it is also stated in the FIR that the said money was due to the informant. However, when the cheque was presented for encashment in the State Bank of India, same was dishonoured due to insufficiency of funds.

4. It is alleged in the FIR that the accused Mujibur Rahman Barbhuiya (Saraf) had cheated the informant.

5. The learned counsel for the petitioner has submitted that the petitioner's name is Sorof Uddin Barbhuiya, and he is not the accused named in the FIR.

6. It is also submitted by the learned counsel for the petitioner that the petitioner is only an employee of M.A. Motors and the said cheques in question were issued by the Proprietor of the M.A. Motors to the informant.

7. The learned counsel for the petitioner has also submitted that the facts narrated in the FIR shows that the allegations which is relating to an offence under Section 138 of the Negotiable Instruments Act, might have been committed. However, the petitioner is in no way involved with the offence alleged in the FIR. He also submits that the petitioner is willing to co-operate in trial.

8. I have considered the submissions at the Bar and have also scrutinized the case diary. The petitioner has appeared before the I/O and has cooperated with the investigation. The petitioner has not violated any bail conditions imposed by the Court. Accordingly, the interim bail granted to the petitioner on 27.06.2024 is

hereby made absolute with the same terms and conditions.

9. In terms of the above observation, this Anticipatory Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant