

GAHC010140972024



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

Case No. : Bail Appln./1912/2024

ATABUR RAHMAN AND ANR
S/O MOHOR ALI
VILL- TATIKATA PATHAR WARD NO. 5
P.S.-MOIRABARI
DIST- MORIGAON
ASSAM

2: INAMUL HOQUE
S/O MUSAKARI AHMED
VILL- GONAIBARI WARD NO. 7
P.S.-MOIRABARI
DIST- MORIGAON
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. U U KHAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

24.07.2024

Heard Mr. U. U. Khan, learned counsel for the petitioners. Also heard Mr. P. Borthakur, 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 present accused/petitioners, who have been arrested in connection with Laharighat P.S. Case No. 299/2023, under Sections 120(B)/419/ 420/466/467/468/471 of the Indian Penal Code *read with* Section 66C/66D of the I.T. Act.

It is submitted by Mr. Khan, learned counsel for the petitioners, that the present accused/petitioners are innocent and they are no way connected in the alleged offence. He further submitted that the accused/petitioners are behind the bar for last 48 days from the date of shown arrest and thus, the I.O. got sufficient time for their custodial interrogation. Further he submitted that in the other 2 (two) cases also, they have already been granted bail by the co-ordinate Bench of this Court considering that Section 467 IPC do not attract against the present petitioners. However, they are ready and willing to co-operate with the I.O. in the further investigation of this case if they are granted with the privilege of bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that the *modus operandi* of the present accused/petitioners is that they created some fake SIM Card, Aadhar Card and KYC etc. and accordingly

obtained the loan from the bank affixing photograph of some fake person and after collection of the loan amount, they even used to pay installment and thereafter they avoid payment of the installment and thus committed serious financial fraud. Further he submitted that the I.O. also collected documents from the bank authority wherefrom it is seen that they used all those fake Aadhar Card, SIM Card and KYC etc. to obtain the loan from the bank in the name of some fake person and thus, they committed a serious case of financial fraud. Further he submitted that the case is still under investigation and custodial interrogation of the present accused/petitioner may be necessary to unearth some more facts of this case and accordingly, he raised objection and submitted that it is not at all a fit case to extend the privilege of bail to the present accused/petitioners.

After hearing the submissions made by the learned counsels for both sides, I have also perused the Case Diary and it is seen that the I.O. has collected sufficient incriminating materials against the present accused/petitioners and also collected sufficient documents during the investigation of the case. However, the investigation is still under progress and considering the nature and seriousness of the allegation, I find that custodial interrogation of the present petitioners may be necessary for the interest of investigation. More so, it cannot be out rightly said that *prima facie* there is no material to attract Section 467 of the Indian Penal Code.

In view of above and also considering the entire aspects of the case, I find it not a fit case to extend the privilege of bail to the present accused/petitioners and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant