

GAHC010130562024



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

Case No. : AB/1679/2024

MD. AKBAR ALI @ AKBOR ALI
S/O ABDUL JALIL, R/O VILL- KURANIBORI, P.S.-MAYONG, DIST-
MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. J ALI,
MR S H SIKDAR, MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

09.08.2024

Heard Mr J Ali, learned counsel for the petitioner. Also heard Ms N Das, learned Additional Public Prosecutor for the State Respondent.

2. This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Akbar Ali @ Akbor Ali, who is apprehending his arrest in connection with Mayong P.S. Case No. 60/2024 under Sections

420/406/468/471/120(B) of the Indian Penal Code, 1860.

3. The gist of accusation in this case is that on 12.06.2024, one Sri Rajib Das had lodged an FIR before the Officer-In-Charge of Mayong Police Station, inter alia, alleging that the accused persons named in the FIR, including the present petitioner, owns a Customer Service Point (CSP) of Punjab National Bank and it is suspected that they have illegally acquired some Debit Cards/ATM Cards through deceitful means and they have been cheating people and have misappropriated their money.

4. The learned counsel for the petitioner has submitted that the petitioner is a differently abled person and though the CSP in question is in his name, it is run by his brother, namely Md. Atabur Rahman, who has already been arrested in this case.

5. The learned counsel for the petitioner has also submitted that the perusal of the FIR itself shows that the FIR has been filed merely on the basis of suspicion only.

6. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to co-operate in the investigation.

7. I have considered the submissions at the Bar with circumspection.

8. The petitioner is a specially abled person and the petitioner has appeared before the IO and has cooperated with the investigation.

9. I have also scrutinized the Case Diary.

10. The petitioner has also not violated the bail conditions.

11. I have considered the submission on behalf of the petitioner that he is willing to cooperate with the remaining part of investigation and to abide by any stringent conditions, if imposed upon him.

12. Considering all aspects, the interim pre-arrest bail order dated 28.06.2024, is hereby made absolute, under the same terms and conditions.

13. Anticipatory Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant