

GAHC010135892024



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

Case No. : AB/1750/2024

ABDUL REHMAN KHAN @ ABDUL RAHMAN KHAN
SON OF LATE ABDUL MANNAN KHAN, RESIDENT OF C/O SALMAN KHAN,
2ND FLOOR, ANISHA COMPLEX, DANISH ROAD, LAKHTOKIA, P.O. AND
P.S. PANBAZAR, GUWAHATI- 781001, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. P K DAS, MR. D BORA, MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

11-11-2024

Heard Mr. D Bora, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner, namely, **Abdul Rehman Khan @ Abdul Rahman Khan**, son of late Abdul Mannan Khan, resident of C/o Salman Khan, 2nd Floor, Anisha Complex, Danish Road, Lakhtokia, P.S.-Panbazar has filed this application under

Section 482 of the BNSS, 2023 seeking pre arrest bail in Panbazar Police Station Case No. 106/2024 registered under Sections 120(B)/420/468 IPC.

3. As per the FIR dated 18.05.2024, the case is that specific information was received by the Panbazar Police Station regarding obtaining of Voter Identity Card (EPIC) of Assam by the petitioner illegally and in fraudulent manner. Since there is a strong apprehension/suspicion of the presence of close nexus of involvement of other persons in the illegal procurement/issuance of such important Government documents and that being a matter of deep and serious concern, said complaint of the informant was registered as Panbazar Police Station Case No. 106/2024 under Sections 120(B)/420/468 IPC.

4. The Court while granting interim bail to the petitioner on 03.07.2024, called for the relevant case diary.

5. The petitioner is in interim bail in said Panbazar P.S. Case No. 106/2024 till date.

6. Perused the case diary placed before the Court today by Mr. B Sarma, learned APP, Assam.

7. The said FIR dated 18.05.2024 indicates that there is a strong apprehension of obtaining Passport, Adhar Card, Driving License etc. by illegal means and fraudulent manner and as such there is a necessity of thorough investigation to unearth the persons involved in such illegal activities.

8. Case diary indicates that on the basis of a notice issued by the Circle Officer, Guwahati Revenue Circle cum Electoral Registration Officer of 36 No. Guwahati Central Legislative Assembly, Kamrup (Metro), the petitioner had appeared before the said authority and his statement was recorded, as the said authority found that the Voter ID (EPIC) issued in the name of the petitioner was obtained by him fraudulently.

9. Case diary also indicates that all the documents seized by the police in the case including his Voter ID (EPIC), Driving License etc. have been obtained by him through brokerage, indicating involvement of many such persons in making available such Voter ID (EPIC), Driving License, Adhar Card etc. by fraudulent means.

10. Case diary reveals that though the petitioner appeared before the concerned I.O. of the

case, but he did not co-operate in the investigation of the case to the extent to find out the other accomplices who provided him such Voter ID (EPIC), Driving License, Adhar Card etc. by fraudulent means.

11. The concerned I.O. by his note clearly indicated that the custodial detention of the petitioner in said Panbazar P.S. Case No. 106/2024 is required to find out the concerned chain, i.e., the names of the persons who are involved in giving out such documents to persons who are neither a native from Assam nor from any part of India, like the petitioner.

12. Considering such incriminating materials in the case diary regarding the involvement of the petitioner in the alleged crime, this Court is of the view that this is not a fit case to grant the benefit of pre-arrest bail to the petitioner, named above, in said Panbazar P.S. Case No. 106/2024.

13. Accordingly, this pre-arrest bail application stands rejected.

14. Interim bail granted to the petitioner on 03.07.2024 in said Panbazar P.S. Case No. 106/2024 hereby stands vacated/recalled.

15. Return the case diary.

JUDGE

Comparing Assistant