

GAHC010137252024



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

Case No. : Bail Appln./2001/2024

RAMJAN ALI
S/O LATE ABDUL RASHID, P/R/O VILL- HATMURIA UTTAR, P.S.-
MOIRABARI, DIST-MORIGAON, ASSAM, P/R/A KALAPANI, SEUJI NAGAR,
P.S.-JALUKBARI, GUWAHATI-781011, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.07.2024

1. Heard learned counsel Mr. A. Rahman for the petitioner Ramjan Ali.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 06.06.2024 in connection

with Latasil P.S. Case No. 30/2024 under Sections 120(B)/420/465/467/468 of the IPC.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised objections stating that to consider the bail, Case Diary is necessary.

5. The FIR unfolds that one, Ajay Basfor introduced the complainant to a railway employee namely Manoj Basfor. This person namely Manoj Basfor promised and duped the customers to sanction a loan of Rs. 1,20,000/- and he took all the documents such as Adhaar Card, Pan Card, Voter Id etc., from the customers. The informant and the others were mostly from weak financial background and were in search of financial assistance. Taking advantage of their illiteracy, Manoj Basfor got an amount of loan sanctioned to the tune of Rs. 1,20,000/- from various SBI branches such as Uzan Bazaar branch etc. to the customers. However, the customers had deposited an amount of Rs. 50,000/- to obtain a loan of Rs. 1,20,000/-. However, the duped customers never received the loan amount in lieu of that deposit of Rs. 50,000/-. The other bank officials were also involved in the scam of embezzlement of funds.

6. Learned counsel for the petitioner, on the other hand, has submitted that the prime accused and the co-accused have already been enlarged on bail. The present petitioner has prayed for bail on grounds of parity.

7. It is also submitted on behalf of the petitioner that the petitioner has not been implicated in the FIR. It is also submitted that vide order dated 26.06.2024

in Bail.Appln./1849/2024, the main accused Ajay Basfore was granted bail by this Court after perusal of the Case Diary. Another accused Phanindra Kumar was also granted bail by this Court vide order dated 26.06.2024 in connection with Bail.Appln./1773/2024. The other prime accused Manoj Basfore was granted bail by the Additional Sessions Judge No. 2, Kamrup (M) in connection with Bail.Appln./579/2024 vide order dated 06.07.2024.

8. I have considered the submissions at the Bar with circumspection.
9. It appears that bail may be granted to the petitioner on the ground of parity and on the length of detention. It also appears that investigation has presumably progressed to a considerable extent and further detention may not be required for progress of the investigation.
10. Considering all aspects and in view of my foregoing discussions, it appears that bail may be granted to the petitioner. Petition is allowed. The petitioner is enlarged on bail of Rs 50,000/- (Rupees fifty thousand), with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M), under the conditions that:

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall co-operate with the remaining part of the investigation.

11. On breach of any of the bail conditions, bail order shall stand cancelled.

JUDGE

Comparing Assistant