

GAHC010144192024



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

Case No. : Bail Appln./2096/2024

NEKIBUR RAHMAN
S/O- ABDUL HAI,
R/O-WARD-02,
LUCHONABORI,
P.S- MOIRABORI,
DIST-MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MD IMRAN, MR S M ABDULLAH P,MS F HUSSAIN,MR. S RAHMAN,MD R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.08.2024

Heard Mr. S.M.Abdullah P, learned counsel for the petitioner and Mr. D.P.Goswami, learned Addl.P.P. for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik

Surakshya Sanhita, 2023 the accused-petitioner, namely, **Nekibur Rahman** has prayed for grant of bail in connection with **Morigaion P.S. Case No.195/2023** under Sections 120B/403/419/420/379/411/387/468/471/473/467 IPC r/w Section 66 C/66 D of the IT Act.

The learned counsel for the petitioner submits that the main accused namely, Md. Inamul Haque and Md. Ashadullah were granted bail in connection with the alleged offence of forgery of documents like PAN Card, Aadhaar card of many individuals for procuring loan. The petitioner is no way connected with the alleged offence. It is further submitted that in another case, the petitioner was detained but subsequently, he was shown arrest in connection with the instant case. Further submission of the petitioner is that the petitioner has been languishing in judicial custody for last 32 days, and as such, considering the allegation in the FIR, petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that as per case diary, the petitioner has conspired with the above two accused persons to commit forgery of documents to secure loan. However, substantial part of investigation is complete and as such, length of detention of the petitioner may be considered.

Having heard learned counsel for the parties and on perusal of case diary and the averments made in this petition, it appears that substantial part of investigation is complete and as such, further custodial interrogation of the petitioner who is in judicial custody for last 32 days, in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released

on furnishing bail bond of **Rs. 50,000/-** with a surety of like amount to the satisfaction of the learned **CJM, Morigaion** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, Morigaion** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant