

GAHC010152332024



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

Case No. : Bail Appln./2254/2024

ATABUR RAHMAN AND 2 ORS.
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

3: ABJALUR RAHMAN
S/O ABDUL RASHID
VILL- FALIHAMARI PATHAR
P.S.-BHURAGAON
DIST- MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR A AHMED, U U KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 12.08.2024

Heard Mr. A. Ahmed, learned counsel for the petitioners. Also heard Mr. N. Das, learned

Additional Public Prosecutor for the State respondent.

This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of bail to the accused/petitioners, who have been languishing in jail since 07.06.2024 in connection with Laharighat P. S. Case No. 299/2023 registered under Sections 120(B) / 419 /420 /466 /467/468/471 of IPC *read with* Sections 66C/66D of I. T Act.

The Case Diary has been received. Heard both sides.

Mr. Ahmed, learned counsel for the petitioners, has submitted that petitioner Nos. 1 and 2 were previously arrested on 15.05.2024 in connection with Morabari P.S. Case No. 74/2024, and petitioner No. 3 was arrested on 15.05.2024 in connection with Buragaon P.S. Case No. 50/2024. The petitioners are shown as arrested in connection with this case on 07.06.2024, and thus, all the accused/petitioners have been in custody for 90 days related to their earlier cases and for 67 days in connection with this case.

He further submits that the allegations against the accused/petitioners are that they took a loan from the financial institution/complainant/company but failed to pay the monthly EMI. Upon investigation, it was found that the petitioners, along with others, had forged documents to obtain the loan. However, from the forwarding report of the IO, it is evident that the IO had collected the relevant documents from the financial institution/complainant and had sufficient time to interrogate the petitioners while they were in custody.

Moreover, they have been detained for 67 days in this case and 90 days in connection with other cases. The petitioners are the permanent residents of the local area, and considering the length of their detention, the learned counsel prays for their release on regular bail. The petitioners are ready to co-operate with the investigating agency if granted bail.

He also submitted that the petitioners' earlier bail applications were

rejected by this Court in Bail Application No. 1912/2024 and Bail Application No. 2062/2024, both dated 24.07.2024. However, considering the length of detention already undergone, they should be granted bail. Additionally, he mentioned that this Court had previously granted bail in similar cases involving similar offences.

In this context, Ms. Das, learned Additional Public Prosecutor, submits that the accused/petitioners have produced fake documents, such as Aadhar cards and PAN cards, before the financial institution to obtain a loan under different fictitious names. She submits that this is a serious financial fraud involving an fraud amounting to Rs. 1 crore. Therefore, she raises objections to granting bail at this stage, noting that other culprits have yet to be booked and there is substantial incriminating evidence against the present accused/petitioners.

Considering the submissions of the learned Counsels for both sides and also considering the materials available in the Case Diary as well as the nature of offence and the punishment prescribed for the same, I find that further custodial interrogation accused/applicant may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of bail can be extended to the accused/applicant at this stage and accordingly, the same stands rejected.

In terms of above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant