

GAHC010179002024



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

Case No. : AB/2359/2024

ISTAK HUSSAIN
S/O ABUL KASHEM
VILL- NIZ DHING PANBARI
P.O. SALKATHIPATHAR
P.S. DHING
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. J AHMED, R BEGUM,MS A HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.09.2024

Heard Mr. J. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

2. By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Istak Hussain**, has prayed for granting pre-arrest bail, apprehending arrest in connection with **Moirabai P.S. Case No. 18/2024 under Section 120(B)/419/420/406/467/468/471/34 IPC r/w Section 66(C)/66(D) of I.T. Act.**

3. It is submitted by the learned counsel for the petitioner that the petitioner is no way involved in the alleged offence as stated in the FIR and his name also not mentioned in the FIR. However, the police came on several occasions to the resident of the petitioner to arrest him in connection with this case. There is an apprehension that if the petitioner appears before the investigating officer, he may be arrested. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Sarma, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioner. Considering the nature of the offence, custodial interrogation of the petitioner is required.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. It appears that the petitioner fraudulently created various documents, such as Aadhaar cards and PAN cards, to obtain loans. It appears that the petitioner obtained a loan from Axis Bank using a fake PAN card with the number FKNPK6934H and ANZPK3926D in the name of Ramesh Kumar, with the loan amount credited to Axis Bank Credit Account Nos. 6530340000114286 and 6530340000108072. The investigation is still under progress. Considering the fact as well as background of the case, this Court is not inclined to grant bail to the petitioner at this stage of

investigation. Hence, prayer for bail is rejected.

7. The pre-arrest bail application stands disposed of accordingly.

8 . Return the case diary.

JUDGE

Comparing Assistant