

GAHC010179942024



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

Case No. : Bail Appln./2630/2024

NURUL ISLAM
S/O MUJAFFAR ALI, VILL- TUKRAPARA (GHORAMARA), P.S.-GOROIMARI,
DIST- KAMRUP, ASSAM, PIN-781137

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY, P. KALITA, MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM, MR. O ANSARY, MR K DEKA, MR B ISLAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.09.2024

Heard Mr. K.N. Choudhury, learned Sr. Counsel assisted by Mr. A. Paramanik appearing for the petitioner as well as Ms. S.H. Bora, learned Additional P.P. for the State of Assam.

2. This is an application under section 483 of BNSS, 2023 praying for grant of regular bail to the petitioner Nurul Islam, who was arrested in connection with Goroimari P.S. Case No. 98/2024.

3. The petitioner was allowed by the Govt. of India to establish Gaonlia Nidhi Ltd, a financial institution. The object of the institution was to enable, engage members to save money by cultivating the habit of thrift and to provide facilities for that purpose. The 2nd object of the institution was to receive money by way of fixed/recurring and savings deposits from the members of the company. The 3rd object was to grant loan to the members of the company at favourable rate of interest on immovable properties, on deposits with company and on gold, silver, jewellery etc. The 4th object was to restrict business specifically to its members only and to have transaction of business only with the members.

4. Thereafter, the informant lodged the FIR before police alleging that the petitioner had accepted large amount of money from different persons. According to the informant, he had constructed the office building of the said company by spending an amount of Rs. 5,80,000/-. The informant has alleged that many citizens also opened bank account in the said financial institution. The informant has alleged that the petitioner has embezzled public money and has invested money in other business. According to the informant, he was made the CMD in many meetings. The informant has further alleged that when he asked the petitioner to return his money, he was threatened with dire consequences.

5. Ms. Bora has submitted that the case is at the preliminary stage of investigation. Therefore, police should be given some more time to investigate the case. According to Ms. Bora, many people have raised objection regarding the conduct of the present petitioner while running the said institution.

6. I have considered the submissions made by the learned counsels of both sides.

7. This Court is of the opinion that the FIR does not clearly show any criminal offence against the present petitioner. It appears that the informant has lodged the FIR for some unknown reasons.

8. In fact, there is no allegation in the FIR itself that the petitioner has misappropriated money deposited by other persons. The informant wanted return of his money and it was not returned to him. Perhaps, this is the reason why the FIR was lodged.

9. Considering the aforesaid facts, this Court is of the opinion that the petitioner does not

deserve to be detained in custody for any further period of time. Therefore, his bail application is allowed.

10. The petitioner, Nurul Islam, who was arrested in connection with Goroimari P.S. Case No. 98/2024, shall be released on bail of Rs. 25,000/- to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon.

With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant