

GAHC010191732024



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

Case No. : AB/2508/2024

SADDAM HUSSAIN
S/O-HAMID ALI , R/O VILL- KHUTRADOL , P.S.- JAGIROD , DIST-
MORIGAON

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MD B ISLAM, MRS FATEMA KHATUN, MR A ALAM, MR S
HUSSAIN, MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

30.09.2024

Heard Mr. B. Islam, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Jagiroad P.S. Case No. 09/2024**, under Sections 120(B)/420/468/471 of the IPC, this application under Section 482 of the BNSS, is preferred by applicant namely, **Saddam Hussain** for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of an F.I.R., lodged by one Sourav Mandal, on 05.01.2024. The essence of allegation made in the FIR dated 05.01.2024, is that one Partha Pratim Bordoloi is involved with fraudulent activities of issuing Aadhar Cards at Dhupguri Gaon Panchayat under Deputy Commissioner, Kamrup (M) at Guwahati and he prepared more than 700 fake Aadhar Cards by submitting fake and fraudulent documents along with one Salam Ali, Hafijur Rahman and others by using the Station I.D. - 83125 of Partha Pratim Bordoloi.

4. Mr. Islam, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR. Mr. Islam further submits that some of the co-accused persons have already been granted the pre-arrest bail by this court in A.B. No. 797/2024; A.B. No. 426/2024; and A.B. No. 635/2024 and that the present applicant is also entitle same privilege on the ground of paryety. Mr. Islam also submits that he is ready to cooperate with the investigating agency and will appear before the I.O. as and when asked and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Sarma, learned Additional Public Prosecutor by producing the case diary before this court submits that the materials so far collected in the case diary, against the present applicant is insufficient to show his culpability with the offence alleged in the FIR.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the case diary produced before this Court, with the assistance of learned Additional Public Prosecutor.

7. It appears that the materials collected so far in the case diary is

inadequate to show the complicity of the applicant with the offence alleged in the FIR.

8. Having considered above and also considering the submissions of learned counsel of both sides and also considering the nature of accusation as well as the punishment prescribed for the same, this Court is of the view that custodial interrogation of the applicant may not be required, in the interest of investigation.

9. Accordingly, this court is inclined to allow this petition. It is provided that in the event of arrest of the applicant, in connection with the **Jagiroad P.S. Case No. 09/2024**, under Sections 120(B)/420/468/471 of the IPC, he shall be enlarged on pre-arrest bail, on his executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

10. The above privilege is, however, subject to the following conditions:

(I) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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 Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Morigaon**, without prior permission.

11. In terms of this A.B. stands disposed of.

12. The case diary be returned.

Comparing Assistant

JUDGE