

GAHC010207422024



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

Case No. : AB/2652/2024

MUKSADUL RAHMAN @MAKSIDUL RAHMAN
S/O ALI NEWAJ
R/O NEAR MADRASSA, KATIMARA PATH,
KATIMARA GRANT,
P.S. NAGAON SADAR
SUB- DIVN- NAGAON
PIN- 782002
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B M DEKA, MR R.AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08.10.2024

Heard Mr. B.M. Deka, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned AP for the State, who has produced the case diary and

has opposed the prayer for pre-arrest bail.

2. Apprehending arrest in connection with Fatasil Ambari PS Case No. 252/2024 under Section 318(4)/ 319(2)/ 316(2)/336(3)/304(2)/3(6) of the BNS, 2023, the petitioner, namely, Muksadul Rahman @ Maksidual Rahman, has filed this application under section 482 of the BNSS, 2023.

3. The learned counsel for the petitioner has submitted that there is no evidence collected so far to connect the petitioner with the alleged offence. It is also submitted that as per his instructions, the case diary orders not contain any material to show that the petitioner has benefited out of the alleged forgery committed by persons who have availed the loan.

4. From the contents of the FIR dated 09.08.2024, it appears that 12 individuals named therein had availed loan from the SBI, Vinoba Nagar Branch by producing forged documents, like government department identity card, salary slip etc. and subsequently, defaulted in repayment of loan.

5. The case diary reveals that there are sufficient materials in the case dairy including statement of the persons who have obtained loan and other witnesses who have named the petitioner of being the middleman who had supplied forged government documents, like government identity card and pay slip etc. Accordingly, the Court is of the considered opinion that looking at the scale of fraud committed to the SBI by 12 individuals through fraudulently obtained documents, the Court is not inclined to grant pre-arrest bail to the petitioner. Accordingly, the prayer for pre-arrest bail at this stage is rejected in the interest of investigation.

6. Return the case diary.

JUDGE

Comparing Assistant