

GAHC010208952024



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

Case No. : AB/2703/2024

FIRDOUSH CHOWDHURY @ FIRDUS CHOWDHARY
S/O ABU BOKKAR SIDDIK,
R/O VILLAGE- CHARBARI,
P.S. MANKAKCHAR,
DISTRICT SOUTH SALMARA, MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P P DUTTA, MS. P P DAS, MS P SARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22.10.2024

- 1.** Heard Mr. T. J. Mahanta, learned Senior Counsel assisted by Ms. P. Sharma, counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita

(BNSS), 2023, praying for pre arrest bail in respect of Mankachar P.S. Case No.171/2024.

3. One person called Nur Hussian submitted a birth certificate before the Joint Director Health Services, who found the said birth certificate to be a fake one. Thereafter it was found that a person called Mizanur Rahman had given him the said birth certificate on payment of Rs.1,000/-.

4. Mr. Mahanta submits that the present petitioner is the owner of the computer shop, where Mizanur Rahman works as an employee.

5. According to Mr. Mahanta the petitioner does not have any knowledge about the activities of Mizanur Rahman.

6. Mr. Kaushik, learned Additional Public Prosecutor has submitted that Mizanur Rahman and Firdoush Chowdhury are suspected for issuing such fake birth certificate and other fake Government documents to the people entering India from Bangladesh, so that they can get Indian Citizenship.

7. Mr. Mahanta has submitted that the petitioner being the owner of the shop never had any knowledge about the activities of Mizanur Rahman. According to Mr. Mahanta the computers are already seized by Police.

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

9. This Court is of the opinion that the context of the Case Diary do not justify the custodial interrogation of the present petitioner.

10. Therefore the pre-arrest bail application of the petitioner is allowed.

11. It is hereby directed that in the event of arrest in connection with Mankachar P.S. Case No.171/2024, the petitioner Firdoush Chowdhury shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.

12. The petitioner is hereby directed to appear before the Investigating Officer within next 10(ten) days from today.

13. The petitioner shall co-operate with the Police Investigating Officer as and when required.

- 14.** With the aforesaid direction the bail application stands disposed of.
- 15.** The Case Diary shall be returned.

JUDGE

Comparing Assistant