

GAHC010221442024



2024:GAU-AS:11212

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

Case No. : Bail Appln./3252/2024

ABUL MUSSA KARIMULLAH @ MUSSA KARIMULLAH SARKAR
S/O JINNAT ALI
R/O MELEKADHING
P.S. JURIA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR E AHMED, MISS R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18.11.2024

Heard Mr. R Sarma, learned Senior Counsel assisted by Mr. E Ahmed, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Abul Mussa Karimullah @Mussa Karimullah Sarkar**, Son of Jinnat Ali, resident of Melekadhing, Police Station-Juria, District-Nagaon, is praying for his bail in **Juria Police Station Case No.**

301/2024, corresponding to G.R. No. 3252/2024, registered under Sections 61(2)/318(4)/340(1)/340(2)/336(3) BNS, 2023 read with Section 66(D) of the I.T. Act, wherein, he was arrested on 21.09.2024 and is in custody since then.

3) On receipt of information from the Officer-in-Charge of Juria Police Station that the petitioner, from Melekadhing, engulfed illegal money by committing cyber crime through his mobiles and laptops since long and thereby collected huge amounts of money, Dagaon Police Post GD Entry No.333/2024 dated 20.09.2024 was registered and police personnel proceeded towards the house of the petitioner to conduct search operation.

4) Accordingly, house of the petitioner was searched in presence of witnesses and recovery of 3 (three) nos. of laptops and 3 (three) nos. of mobiles were made.

5) During checking of the seized mobiles of the petitioner, suspicious money transactions along with bank accounts were found. Moreover, some other suspicious apps were also found in the mobiles of the petitioner and accordingly, petitioner was taken into custody on 21.09.2024.

6) On the basis of the said FIR, Juria P.S. Case No.301/2024 under Sections 61(2)/318(4)/340(1)/340(2)/336(3) BNS, 2023 read with Section 66(D) of the I.T. Act was registered.

7) Perused the case diary placed before the Court today by Ms. S H Bora, learned Additional Public Prosecutor, Assam, which was forwarded to the learned Additional Public Prosecutor, Assam on 03.11.2024.

8) It is seen from the case diary that the three mobiles seized from the petitioner have already been forwarded to the authority concerned of the Superintendent of Police (Cyber Cell, Nagaon), for their data extraction.

9) Though the Court by order dated 25.10.2024 called for the up-to-date case diary pertaining to Juria P.S. Case No.301/2024, the same was not received and the Court by order dated 05.11.2024, again called for the up-to-date case diary, fixing the matter today. But Ms. Bora, learned Additional Public Prosecutor, Assam submitted that inspite of sending reminders, up-to-date case diary has not been provided to the Office of the Public Prosecutor, Assam.

10) Considering the materials in the case diary and his period of detention in custody since 21.09.2024, the Court is of the view that petitioner's further custodial detention in said Juria P.S. Case No.301/2024 is not warranted for investigation of the said case. As such, this bail application

of the petitioner in said Juria P.S. Case No.301/2024 is accepted.

11) Accordingly, the petitioner, namely, **Abul Mussa Karimullah @Mussa Karimullah Sarkar**, be released on bail in said Juria P.S. Case No.301/2024 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Nagaon, subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Juria P.S. Case No.301/2024, as and when he is required for necessary investigation of the case;

ii) shall not leave the territorial jurisdiction of said Juria Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) 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 them from disclosing such facts to the Court or to any police officer and;

v) shall not involve himself in any criminal activities in the future.

12) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Abul Mussa Karimullah @Mussa Karimullah Sarkar**, the bail granted to him in said Juria P.S. Case No.301/2024 shall stand automatically vacated.

13) This bail application accordingly stands allowed.

14) Return the Case Diary herewith.

JUDGE

Comparing Assistant