

GAHC010221532024



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

Case No. : Bail Appln./3263/2024

ASADUR RAHMAN
S/O ALI HUSSAIN
R/O VILL- KATIMARI GRANT, P.S. NAGAON,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MR A W AMAN, SAMIM RAHMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06.11.2024

Heard Mr. S Nawaz, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Asadur Rahman**, son of Ali Hussain, resident of village Katimari Grant, P.S.-Nagaon, District- Nagaon, has prayed for his bail in Fatasil Ambari Police Station Case No. 252/2024

registered under Sections 318(4)/319(2)/316(2)/336(3)/304(2)/3(6) BNSS, 2023, corresponding to GR No.5596/24, in which he was arrested on 24.09.2024 and is in custody since then.

3) On detecting that some of the customers obtained loan from the State Bank of India, Vinobanagar branch, Guwahati, using false information and false documents, the Chief Manager of State Bank of India, Vinobanagar branch, Guwahati on 09.08.2024, filed a written FIR against those customers who obtained huge amount of loan by submitting forged documents. In the said FIR, the Chief Manager of the State Bank of India, Vinobanagar branch, Guwahati mentioned the names of 12 (twelve) of such fraudsters.

4) Police accordingly registered Fatasil Ambari P.S. Case No. 252/2024 under Sections 318(4)/319(2)/316(2)/336(3)/304(2)/3(6) BNSS, 2023 corresponding to GR No. 5596/24 and arrested some of the FIR named accused persons.

5) During investigation, the arrested accused persons implicated the petitioner.

6) Perused the case diary placed before the Court by Mr. Das, learned Additional Public Prosecutor, Assam.

7) From the case diary, it is seen that the petitioner, along with 2-3 other persons prepared forged salary slips, ID Cards and other forged documents in large numbers for the applicants seeking loans in the various branches of the State Bank of India in the name of Environment and Forest Department, Assam that were accepted by some of the scrupulous bank employees and felicitated loans on the basis of those forged documents prepared by the petitioner along with his other colleagues. For such purpose, the petitioner and his other colleagues used to receive sufficient amount.

8) Case diary also reveals that in various fraudulent cases of banks, the petitioner along with his other colleagues provided such applicants loan by using the forged documents.

9) Finding such incriminating materials in the case diary regarding the involvement of the petitioner in the alleged crime and also finding that the investigation is still in process, the Court is of the view that the custodial detention of the petitioner, namely, **Asadur Rahman**, since 24.09.2024, cannot be considered for his bail in said Fatasil Ambari P.S. Case No.252/2024.

10) Accordingly, this bail application of the petitioner, named above, in said Fatasil Ambari P.S. Case No.252/2024 stands rejected.

11) Return the case diary herewith.

JUDGE

Comparing Assistant