

GAHC010231292024



2024:GAU-AS:12293

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

Case No. : AB/2920/2024

MUZAMMEL HOQUE @ MUJAMIL HOQUE AND ANR
S/O ABDUS SALAM
R/O VILL AND P.O. NIZ KHARUPETIA,
P.S. DHULA, DIST. DARRANG, ASSAM

2: JAHURUL HOQUE @ JAHURUL ISLAM
S/O AZAD ALI
R/O VILL AND P.O. NIZ KHARUPETIA
P.S. DHULA
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

05-12-2024

Heard Mr. A. W. Aman, learned counsel for the petitioners and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending their arrest, the petitioners, namely, **(1) Muzammel Hoque @ Mujamil Hoque**, son of Abdus Salam and **(2) Jahurul Hoque @ Jahurul Islam**, son of Azad Ali, both resident of Village- Niz Kharupetia, Police Station- Dhula, District-Darrang have filed this application under Section 482 BNSS, seeking pre-arrest bail in **Kharupetia Police Station Case No. 102/2024** registered under Sections 120-B/468/420/406 IPC corresponding to G.R. No.818/2024.

3. As per the FIR dated 07.09.2024 lodged by the informant before the Officer-in-Charge of Kharupetia Police Station alleging that the petitioners assured the informant and many others of his village stating that they will arrange a bank loan of Rs.1,30,000/- from Bank of Baroda. In that regard, the petitioners along with their other associates went to the house of the informant and took his signature on the application and other documents. For that purpose the petitioners paid an amount of Rs.59,000/- stating that the remaining amount will be paid after 9 months. Later, the informant received a notice from the Kharupetia Branch of Bank of Baroda that he is required to pay the amount of Rs.1,30,000/-. Then only, the informant visited the Kharupetia Branch of Bank of Baroda and came to know that the petitioners and their other associates through forged ATM Cards have withdrawn the said amount and

thereby the accused petitioners and their other associates have cheated the informant and other persons. Accordingly, said FIR of the informant was registered as Kharupetia Police Station Case No. 102/2024 under Sections 120-B/468/420/406 IPC corresponding to G.R. No.818/2024.

4. Perused the case diary produced before the Court today, by Mr. Parasar, learned APP.

5. From the case diary, it is seen that the concerned Investigating Officer of the case have already recorded the evidence of witnesses acquainted with the case and other victims/sufferers, whom the petitioners and their other associates have cheated promising them to provide with bank loan and paid certain amount of money, but had withdrew the entire amount from the Bank.

6. Case diary further reveals name of some other accused persons associated with the present petitioners, who are yet to be arrested and are evading police.

7. Considering the materials in the case diary, this Court is of the view that custodial interrogation of the petitioners is not warranted for investigation of said Kharupetia P.S. Case No. 102/2024. As such, this pre-arrest bail application of the petitioners is accepted.

8. Accordingly, it is provided that in the event of arrest of the petitioners, namely, **(1) Muzammel Hoque @ Mujamil Hoque**, son of Abdus Salam and **(2) Jahurul Hoque @ Jahurul Islam**, son of Azad Ali, in said **Kharupetia P.S. Case No. 102/2024**, they shall be released on bail on furnishing a bail bond of Rs. 1,00,000/- each, with two local sureties, each of the like amount, one of which shall be government employee, either State Government or Central Government, to the satisfaction of the arresting authority on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Kharupetia

P.S. Case No. 102/2024 on every Monday during the office hours for the next 2(two) English Calendar Months, commencing from **16.12.2024** or till filing of the charge-sheet in the case, whichever is earlier; **(ii)** shall not leave the territorial jurisdiction of the Kharupetia Police Station, without obtaining any 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 further **(v)** shall not indulge themselves in any such criminal activities in future, failing which, the bail granted to them in said Kharupetia P.S. Case No. 102/2024 shall stand automatically vacated.

9. Any violation of the aforesaid terms and conditions by the petitioners, **named above**, the bail granted to them in said Kharupetia P.S. Case No. 102/2024 shall stand automatically vacated.

10. The pre-arrest bail application accordingly stands disposed of.

11. Return the case diary.

JUDGE

Comparing Assistant