

GAHC010234972024



2024:GAU-AS:11704

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

Case No. : Bail Appln./3421/2024

ANCHAR ALI
S/O AMIR UDDIN
R/O VILL AND P.O. HERAPATTY
P.S. NAGAON SADAR
DIST. NAGAON, ASSAM
PIN- 782002

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H A RASHID, MR A MALEK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-11-2024

Heard Mr. H. A. Rashid, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Anchar Ali**, son of Amir Uddin, resident of Village- Herapatty, Police Station-Nagaon, Sadar, District-Nagaon is seeking for his bail in **Fatashil Ambari Police Station Case No. 252/2024** corresponding to G.R. No. 5596/2024, registered under Sections 318(4)/319(2)/316(2)/336(3)/304(2)/3(6) of BNS, wherein, he was arrested on 02.10.2024 and is in custody since then.

3) As per the FIR dated 09.08.2024 lodged by the Chief Manager, State Bank of India, Vinobanagar Branch, Kalapahar before the Officer-in-Charge of Fatashil Ambari Police Station, the case is that the petitioner and some other applicants obtained loan from the SBI, Vinobanagar Branch, Kalapahar by submitting forged documents.

4) Accordingly, Fatashil Ambari Police Station Case No. 252/2024 under Sections 318(4)/319(2)/316(2)/336(3)/304(2) /3(6) of BNS, corresponding to G.R. No. 5596/2024 was registered against the petitioner and 11 others.

5) Perused the case diary placed before the Court today by Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

6) It is seen that the petitioner has obtained certain forged documents from the arrested accused persons of the case, like I-Card, Salary Slip of Environment

and Forest Department of the State so as to procure loan from the SBI, Vinobanagar Branch, Kalapahar and thereby obtained Rs. 8,25,000/- as loan from the said branch.

7) Considering the materials in the case diary and the period of detention in custody since 02.10.2024, the Court is of the view that further custodial detention of the petitioner, namely, **Anchar Ali**, in said Fatashil Ambari P.S. Case No. 252/2024 is not warranted for investigation of the said case. As such, this bail application of the petitioner in said Fatashil Ambari P.S. Case No. 252/2024 is accepted.

8) Accordingly, the petitioner, namely, **Anchar Ali**, be released on bail in said Fatashil Ambari P.S. Case No. 252/2024 on furnishing bail bond of Rs. 50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), subject to the conditions that the petitioner, named above —

- i)** shall appear before the concerned Investigating Officer of said Fatashil Ambari P.S. Case No. 252/2024 during office hours, as and when he is required for necessary investigation of the case;
- ii)** shall not leave the territorial jurisdiction of Fatashil Ambari 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 future.

9) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Anchar Ali**, the bail granted to him in said Fatashil Ambari P.S. Case No. 252/2024 shall stand automatically vacated.

10) This bail application accordingly stands allowed.

11) Return the Case Diary herewith.

JUDGE

Comparing Assistant