

GAHC010236062024



2024:GAU-AS:12255

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

Case No. : AB/2975/2024

TUFOLL UDDIN @ TUFAIL
S/O AFAZ UDDIN
R/O IVLL- DHARMAPUR BLOCK,
P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA, P. BORAH, MR. H S BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

04/12/2024

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

2. The petitioner, namely, **Tufoll Uddin @ Tufail**, son of Afaz Uddin, resident of Village-Dharmapur Block, P.S. Laluk, District-Lakhimpur, has filed this application under Section 482 of BNSS, 2023, seeking pre-arrest bail apprehending his arrest in **Laluk P.S. Case No. 166/2024** registered under Sections 61(2)/318(4)/316(2) of BNS corresponding to G.R. No. 781/2024.

3. Matter relates to cheating the person outside the State of Assam by selling a gold boat at

huge amount of cost which was actually found to be fake. While selling the said gold boat, the complainant was given a small part of the gold to verify its genuineness. When the said small part of gold was found to be genuine, the complainant was sold with the gold boat which was a fake one and thereby, the FIR named accused persons cheated the complainant taking huge amount of money in their account.

4. According to the petitioner, he is neither the FIR named accused nor involved in any such alleged activities of selling gold. Hence, this anticipatory bail application.

5. Case diary placed before the Court by Mr. Sarma, learned Additional Public Prosecutor, Assam reveals that it is the petitioner, who is the mastermind of selling of such fake gold artifact with the assistance of the arrested accused persons of the case to various persons at huge cost. The arrested accused persons implicated the petitioner pertaining to his involvement in such crime. Moreover, the case diary also indicates that the petitioner is known by different names as he meets the customers impersonating himself with different identities.

6. Considering such incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, this Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Tufoll Uddin @ Tufail** in said **Laluk P.S. Case No. 166/2024**.

7. Accordingly, this pre-arrest bail application of the petitioner, named above, in said Laluk P.S. Case No. 166/2024 stands rejected.

8. It is to be noted herein that two of the arrested accused persons in said Laluk P.S. Case No. 166/2024 have been granted default bail by the Court on 02.12.2024 in Bail Appln. No. 3383/2024.

9. Return the case diary.

JUDGE

Comparing Assistant