

GAHC010243142024



2024:GAU-AS:12111

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

Case No. : Bail Appln./3524/2024

MOZBUL HOQUE CHOUDHURY
S/O AMZAD ALI, R/O VILLAGE UDAY NAGAR, WARD NO 15, P.S.
GOALPARA,
DISTRICT- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR A AHMED, U U KHAN, MR
SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Mr. A. Ahmed, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Mozbul Hoque Choudhury**, son of Amzad Ali, resident of Village-Uday Nagar Ward No.15, Police Station-Goalpara, District-Goalpara has filed this application under Section 483 BNSS, 2023, seeking bail in **Goalpara Police Station Case No. 133/2024** registered under Sections 420/384/506 of the IPC, corresponding to G.R. No. 941/2024, wherein, he was arrested on 03.10.2024 and is in custody since then.

3. The petitioner has submitted that he is serving as a lecturer of English in Goalpara College, Goalpara since long and that he is in no way connected with the case.

4. As per the FIR dated 01.10.2024 lodged by the complainant, the case is that the petitioner, being a lecturer of Goalpara College, approached the complainant whose son is a student of Goalpara College, promising him to provide his son with a Government Job and for that purpose, he asked for a certain amount of money. On the basis of the said promise of the petitioner, believing him, as he is a lecturer of a College, the complainant initially paid an amount of Rs. 8,95,000/- and later paid another amount of Rs. 13,00,000/- to the petitioner through Gpay, all as per the demand of the petitioner.

5. But when the petitioner failed to provide any job to his son, the complainant asked the petitioner to return him his money.

6. To return the said money, though the petitioner gave the complainant 2 (two) different cheques of State Bank of India, but those cheques were bounced. When the complainant informed the petitioner about the same and asked him for his money, the petitioner threatened the complainant, stating that his father is a lawyer for that the informant will not move against him, or else the informant will have to face the consequences.

7. Having no other alternative, the complainant with the fear of such threat, lodged the FIR on 01.10.2024, pursuant to which, Goalpara P.S. Case No. 133/2024 under Sections 420/384/506 of the IPC was registered.

8. On being enquired, Mr. K. K. Parasar, learned Addl. PP submitted that till date, police has not filed the charge-sheet in said Goalpara P. S. Case No. 133/2024.

9. As in the meanwhile, the petitioner has already completed his statutory period of detention in said Goalpara P. S. Case No. 133/2024, he is entitled for his default bail.

10. Accordingly, the petitioner, namely, **Mozbul Hoque Choudhury**, son of Amzad Ali is granted default bail in said **Goalpara P. S. Case No. 133/2024** on furnishing a bail bond of Rs. 50,000/- with two local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Goalpara on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said **Goalpara P. S. Case No. 133/2024** as and when he is required for necessary investigation of said Goalpara P.S. Case; **(ii)** shall not leave the territorial jurisdiction of Goalpara 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.

11. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Goalpara P. S. Case No. 133/2024 shall stand automatically vacated.

12. The bail application accordingly stands disposed of to the extent above.

13. Return the case diary.

JUDGE

Comparing Assistant