

GAHC010246862024



2024:GAU-AS:12129

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

Case No. : Bail Appln./3548/2024

RUBUL HUSSAIN KHAN @ RUBUL HOSSAIN KHAN
S/O SHAHAR ALI KHAN,
RESIDENT OF CHAKIR BHITA, BARPETA PO KHABLAR BHITA, PS AND
DIST BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H A AHMED, MISS. R R KAKATI, MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Mr. K N Choudhury, learned Senior counsel assisted by Mr. H A Ahmed, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Rubul Hussain Khan @ Rubul Hossain Khan**, son of Shahar Ali Khan, resident of Village-Chakir Bhita, Police Station-Barpeta, District-Barpeta has filed this application under Section 483 BNSS, 2023, praying for his release on bail in Cyber Police Station Case No. 26/2024 registered under Sections 61/318(4)/316(2)/336(3) of BNS, 2023,

corresponding to 6699/2024, in which he was arrested on 12.11.2024 and is in custody since then.

3. As per the FIR dated 12.11.2024 lodged by one Sub-Inspector of Garchuk Police Station, the case is that in an incident relating to Garchuk PS GDE No. 28 dated 11.11.2024, police personnel from Garchuk Police Station came to know that a group of cyber fraudsters from Barpeta and Goalpara district are camping in a lodge at Boragaon near Apollo Excelcare Hospital within the jurisdiction of Garchuk Police Station and they are involved in the illegal act of obtaining current bank account numbers of various individuals with the intent to misuse them for fraudulent money transfer.

4. Accordingly, said FIR dated 12.11.2024 was registered as Cyber Police Station Case No. 26/2024 under Sections 61/318(4)/316(2)/336(3) of BNS, 2023, corresponding to 6699/2024 and the petitioner was detained along with others and many objectionable articles were found from their possession.

5. It is submitted by the petitioner that he is a lawyer by profession and that he is no way connected with the case. While he shared a room in the hotel concerned, police conducted a raid in which he was arrested. Mr. Choudhury, learned Senior counsel appearing for the petitioner has also placed copies of the orders of the learned Sub-Divisional Judicial Magistrate, Kamrup (Metro), Guwahati dated 21.11.2024 and 25.11.2024, by which four of the co-accused of the case arrested along with the petitioner on 12.11.2024 and subsequently on 15.11.2024 and 18.11.2024 have already been released on bail.

6. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam.

7. It is seen that police have already recorded the statements of the acquainted witness of the case including the arrested accused persons as well as that of the petitioner.

8. Considering the above and the period of his detention since 12.11.2024 in said Cyber Police Station Case No. 26/2024, this Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Cyber Police Station Case No. 26/2024. As such, this bail application is accepted.

9. Accordingly, the petitioner, namely, **Rubul Hussain Khan @ Rubul Hossain Khan,**

be released on bail in said Cyber Police Station Case No. 26/2024, on furnishing bail bond of Rs. 30,000/- with two local sureties each 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) on conditions that the petitioner —

- (i) shall appear before the concerned Investigating Officer of said Cyber Police Station Case No. 26/2024, as and when he is required for necessary investigation of the said case;
- (ii) shall not leave the territorial jurisdiction of Cyber Police Station without obtaining prior written permission from the concerned I.O. of the case;
- (iii) shall not hamper 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 and
- (v) shall not involve himself in any criminal activities.

10. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Rubul Hussain Khan @ Rubul Hossain Khan**, the bail granted to him in said Cyber Police Station Case No. 26/2024 shall stand automatically vacated.

11. With the above observations and directions, this bail application accordingly stands disposed of.

12. Return the case diary.

JUDGE

Comparing Assistant