

GAHC010248082024



2024:GAU-AS:12542

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

Case No. : Bail Appln./3594/2024

JULFIKAR ALI LASKAR @ SHAMIM UDDIN LASKAR
S/O FOIZUL HAQUE LASKAR,
VILL- KALINAGAR PART-7, P.S. PACHGRAM, DIST. HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA, S. M. ZINNA, MS S R
MAZARBHUIYA, MS A BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

11/12/2024

Heard Mr. A M Barbhuiya, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Julfikar Ali Laskar @ Shamim Uddin Laskar**, son of Foizul Haque Laskar, resident of Village- Kalinagar Part-7, P.S. Pachgram, District-Hailakandi, seeking bail in **Karimganj P.S. Case No.**

610/2024 registered under Sections 61(2)/318(2)/336(3)/340(2) BNS corresponding to G.R. No. 1964/2024, wherein he was arrested on 31.10.2024 and is in custody since then.

3. As per the FIR of the case dated 30.10.2024, on 30.10.2024 during the documents verification of ongoing process of recruitment of police personnel in Assam Police, one accused person, Misbahul Islam Barbhuiya submitted his documents including his HSLC certificate, Aadhar Card, Pan Card and Home Guard Certificate. As per his Home Guard Certificate, his date of joining as Home Guard was 29.12.2014, whereas his Pan Card and Aadhar Card reflected his date of birth as 01.01.2002. As such, it was found that at the age of 12 years, said Misbahul Islam Barbhuiya joined as Home Guard personal that was found to be impossible. As such, said Misbahul Islam Barbhuiya was apprehended and during enquiry, it was revealed that it was the present petitioner, who was running a computer shop, made all the forged documents like, Pan Card, Aadhar Card and other certificates of the arrested accused, Misbahul Islam Barbhuiya. Accordingly, said FIR was registered as Karimganj P.S. Case No. 610/2024 under Sections 61(2)/318(2)/336(3)/340(2) BNS in which the petitioner was arrested on 31.10.2024.

4. It is submitted by Mr. Barbhuiya, learned counsel for the petitioner that the other co-accused, Misbahul Islam Barbhuiya has already been released on bail by the In-charge Chief Judicial Magistrate, Karimganj on 06.12.2024 in said Karimganj P.S. Case No. 610/2024. To that extent, Mr. Barbhuiya, learned counsel for the petitioner placed a copy of the order dated 06.12.2024 of the In-charge Chief Judicial Magistrate, Karimganj.

5. Mr. B Sarma, learned Additional Public Prosecutor, Assam objected the bail prayer of the petitioner stating that once the petitioner is released on bail, he shall continue with such illegal activities of making forged documents and certificates.

6. At this state, Mr. Barbhuiya, learned counsel for the petitioner submitted that considering his detention since 31.10.2024, the petitioner should be considered for bail.

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

8. Considering the materials available in the case diary and recovery of the forged documents, this Court is of the view that further custodial detention of the petitioner, named above, is not warranted to investigate the said Karimganj P.S. Case No. 610/2024. As such, this bail application of the petitioner in said Karimganj P.S. Case is accepted.

9. Accordingly, the petitioner, namely, **Julfikar Ali Laskar @ Shamim Uddin Laskar**, be released on bail in said **Karimganj P.S. Case No. 610/2024** registered under Sections 61(2)/318(2)/336(3)/340(2) BNS corresponding to G.R. No. 1964/2024, on furnishing a bail bond of Rs.50,000/- with 2 (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, Karimganj, on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Karimganj P.S. Case No. 610/2024, on every Thursday commencing from 19.12.2024 for the next 3 (three) English Calendar months during office hours or till filing of the charge-sheet in the case, whichever is earlier and also as and when he is required in connection with the said Karimganj P.S. case; **(ii)** shall not leave the territorial jurisdiction of Karimganj 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, failing which, the bail granted to him in said Karimganj P.S. Case No. 610/2024 shall stand automatically vacated.

10. This bail application accordingly stands allowed to the extent above.

11. Return the case diary.

JUDGE

Comparing Assistant