GAHC010277872023

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

Case No. : Bail Appln./4497/2023

TAFIQUE AHMED @ TAFIQUE UDDIN AHMED
S/O MD. MEHBUB ALI
R/O GARIGAON FAKIRPARA
NEAR MAJAR ROAD,
GARIGAON, P.S. AND P.O. JALUKBARI
DIST. KAMRUP (M), ASSAM-781012
MOBILE NO. 9435001991

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-01-2024

Heard Mr. B.D. Konwar, learned Senior Counsel for the petitioner *Tafique Ahmed @ Tafique Uddin Ahmed*.

2. The petitioner, namely, *Tafique Ahmed @ Tafique Uddin Ahmed* has filed this application under Section 439 Cr.PC with prayer for bail as he are behind bars since 01.12.2023 in connection with Bharalumukh Police Station Case No. 353/2023 registered u/s 120(B)/395 of the Indian Penal Code r/w Section 25(I-A) Arms Act and added Section 412 of the Indian Penal Code.

3. Heard Ms. A. Begum, learned Addl. P.P., Assam.

4. The learned Additional Public Prosecutor has raised objection against the bail application.

5. The FIR unfolds that a team led by SI Mobarak Ali and SI(P) Anurag Bora of Bharalumukh PS assisted by some civilians, namely, Khairul Hoque, Biki Ali, Sarif Tarwar and Sonu Ali conducted a raid in the rented house of Sunu Sharma on 21.11.2023 at about 9 PM where cash money of Rs. 1,69,70,000/- was recovered from two persons, namely Debkaran Sen and Manoj Kumar, both from Rajasthan. This cash was handed over to the Income Tax Department following due procedure, but from confidential sources, it was learnt that the police personnel and civilians, named above looted a bag containing huge amount of cash from the place of occurrence by assaulting and threatening and using the service weapons to threaten Debkaran Sen and Manoj Kumar. The team conducting the raid retained the cash and disclosed only a lesser amount to the government officials. This was reported to the complainant by Nazmul Khan @ Little Khan and an enquiry was commenced and it was unearthed that Khairul Hoque confessed about his involvement in looting the money along with the police personnel, namely, SI Mobarak Ali and SI (P) Anurag Bora. One reporter namely, Taufique Ahmed along with other civilians criminally conspired and planned to conduct the raid in the rented room where the money was stored. On 21.11.2023, at about 9 PM the miscreants led by the police personnel in the

garb of conducting a search operation took away one bag filled with cash and they also assaulted both Debkaran Sen and Manoj Kumar and threatened them by brandishing their service weapons.

6. During investigation, cash of Rs. 7,30,000/- was recovered from the house of Khairul Hoque. On being led by SI Mubarak Ahmed an amount of Rs. 17,50,000/- was recovered from the house of Rasiye Begum which was kept concealed by SI Mobarak Ali Ahmed, cash of Rs. 9 lacs was recovered from the possession of Nazmul Khan @ Little Khan, cash of Rs. 4 lacs was recovered from Toufique Ahmed and Sarif Tanwar confessed that he has received an amount of Rs. 7.5 lacs, but this amount was not yet to be recovered. Anurag Bora also admitted that he received an amount of Rs. 5 lacs. A total of Rs. 70 lacs was looted from Debkaran Sen and Manoj Kumar.

7. The learned Addl. PP. has raised serious objection against the bail petition. It is submitted that there are incriminating materials in the Case Diary against the petitioner.

8. The petitioner has prayed for bail on the ground of parity as the co-accused have been granted bail vide order dated 05.01.2024 in connection with Bail Application No. 4480/2023.

9. I have scrutinised the Case Diary. I have considered the submission that the petitioner is behind bars since 01.12.2023. I have considered the progress of investigation. It appears that further custodial detention for progress of investigation may not be required. The Case Diary reveals that investigation has progressed to a considerable extent. Most of the cash looted in connection with this case have been recovered.

10. Considering all aspects and in view of my foregoing discussions, petition is

allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety each of like amount to the satisfaction of the learned CJM, Kamrup (M) under the conditions that:-

i. The petitioner shall refrain from such activities with which they are alleged; and

ii. The petitioner shall not leave the jurisdiction of the Court without prior permission till completion of trial.

11. On breach of any of the bail conditions, bail order shall stand cancelled

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant