

GAHC010287652023



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

Case No. : Bail Appln./4586/2023

SAFIUR RAHMAN MOLLAH
S/O ABDUL LATIF MOLLAH
R/O BRAHMAUTRA HOUSING COMPLEX, BLCOK H, BISNU RABHA PATH,
BHETAPARA, DIST. KAMRUP (M), ASSAM, PIN-781028

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. BHASKAR DUTTA, SENIOR ADVOCATE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04.01.2024

Heard Mr. S. Deka, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Safiur Rahman Mollah, who has been languishing in jail hazot in

connection with Crime Branch P.S. Case No. 09/2023, under Sections 120(B)/419/420/468/471/409 of the IPC, since 12.12.2023.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by Inspector Chandan Das of Cyber P.S., Panbazar on 03.12.2023. The essence of allegation made in the FIR dated 03.12.2023 is that during investigation of Cyber P.S. Case No. 12/2023 under Sections 120(B)/419/420 of the IPC read with Sections 66C/66D of the IT Act, 2000, added Sections 409/468/471 of the IPC, it had been found that some fictitious mutation orders were passed vide mutation file No. MET/DIS/2022-23/96042/OMUT and it had also been found that the mutation order was passed on the basis of fake deed being deed No. 6268/95 dated 31.12.1995, in the name of buyer Ansar Ali and the name of seller Jatindra Nath Goswami and Debendra Nath Goswami of Paltan Bazar.

4. The learned counsel for the accused submits that the accused is a practicing advocate and he is behind the bar for 23 days and that some of the co-accused had already been granted bail by this Court in BA No. 4639/2023 dated 21.12.2023 and in BA No. 4372/2023 dated 14.12.2023. He further submits that the accused had been interrogated for five days and his further custodial detention in the interest of investigation, may not be required and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor has vehemently opposed the petition. And producing the case diary before this Court, Mr. Baruah submits that the I.O. has collected sufficient incriminating materials against the accused and therefore Mr. Baruah has contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have

carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. R.J. Baruah, learned Addl. Public Prosecutor.

7. It appears that the I.O. has collected sufficient incriminating materials against the accused. The investigation is still going on and some of the co-accused are yet to be arrested. In the given facts and circumstances and also considering the enormity of the offence and its ramification in the society and the stage of investigation, this Court is of the view that this is not a fit case to extend the privilege of bail to the accused.

8. Accordingly, the bail application stands dismissed at this stage.

9. Case diary may be returned.

JUDGE

Comparing Assistant