

GAHC010295572023



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

Case No. : Bail Appln./42/2024

ASHIM KUMAR BARMAN
S/O- JURORAMM BARMAN, BY FAITH AND RELIGION- HINDU, BY
PROFESSION- PRIVATE JOB, PERMANENT RESIDENT OF VILLAGE- GARAL
(AIRPORT ROAD), P.S. AZARA (AIRPORT ROAD), IN THE DISTRICT OF
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. V N UPADHYAY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-01-2024

- 1.** Heard Ms. P. Mishra, learned counsel for the petitioner.
- 2.** The petitioner, namely, Ashim Kumar Barman has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 15.12.2023 in connection with

Moirabari Police Station Case No. 249/2023 registered u/s 120(B)/419/420/467/468/471/34 of the Indian Penal Code r/w Section 66(c)/66(D) of IT Act.

3. Heard Mr. M.P. Goswami, learned Addl. P.P., Assam.

4. The learned Additional Public Prosecutor has raised serious objection stating that the petitioner got the co-accused Purabi Das involved in preparing fake Aadhar Card as the co-accused Purabi Das was an authorised Aadhar Operator at Dispur, Guwahati, Kamrup (M).

5. The learned counsel for the petitioner has submitted that the petitioner is innocent. It is also submitted that the petitioner is a local resident and the articles which were seized in connection with this case were not seized from the possession of the petitioner. The FIR clearly reveals about involvement of other accused who managed to flee during investigation. The petitioner has not prepared any fake Aadhar Cards.

6. I have considered the submission on behalf of the petitioner that the petitioner is behind bars for 35 days. The Case diary also reveals that investigation has progressed to a considerable extent. I have also considered the submission that further custodial detention for the progress of investigation may not be required. The petitioner is a local resident and has pledged to co-operate with the investigation.

7. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned CJM, Morigaon under the conditions that:-

- i. The petitioner shall refrain from such activities with which he is alleged;
- ii. the petitioner shall co-operate with the investigation; and
- iii. the petitioner shall appear before the IO after every fortnight till completion of investigation.

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

Bail Application stands disposed of in the above terms.

Send back the Case Diary.

JUDGE

Comparing Assistant