GAHC010136902020

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

Case No. : Bail Appln. 2061/2020

1:SAIDUR RAHMAN @ IQBAL HUSSAIN AND ANR.
S/O- LT. ABUL KALAM AZAD, R/O VILL.- KHARUPETIA, WARD NO. 2, P.O. AND P.S.- KHARUPETIA, DIST.- DARRANG, ASSAM.
PERMENENT R/O VILL.- DHEKERIGAON, P.O. AND P.S.- DALGAON, DIST.- DARRANG, ASSAM.

2: RAFIQUL ISLAM
S/O- LT. ABUL KALAM AZAD
R/O VILL.- DHEKERIGAON
P.O. AND P.S.- DALGAON
DIST.- DARRANG
ASSAM

VERSUS

1:THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12-10-2020

Heard Mr. A. Ali, the learned counsel for the petitioners. Also heard Mr. H. Sharma, the learned Addl. P.P. for the State of Assam.

The petitioners, namely, Md. Saidur Rahman @ Iqbal Hussain and Md. Rafiqul Islam have prayed for allowing them to go on bail under Section 439 Cr.P.C. in the matter of Mangoldoi P.S. Case No. 429 of 2020.

Six persons jointly alleged that the petitioners promised to provide bank loans and for that matter they had collected Pan Cards, Voter ID Cards, Salary Certificates, Bank Cheques from the informants. It is further alleged that ICICI bank at Mangaldoi sanctioned loan to the informants by favour of the blank cheques which were taken by the petitioners. They had withdrawn huge amount of money from the accounts of the informants. They even used Debit Cards to withdraw money from the accounts of the informants. It is further alleged that the petitioners even procured Credit Cards in the names of the informants and they were using those credit cards and the bank accounts of the informants were debited.

I find the allegation is very serious. The petitioners do not deserve to be released on bail. Accordingly, their bail application is rejected.

However, it is further directed that if the charge-sheet is not filed after expiry of the mandatory period of detention, the petitioners will have the liberty to apply for bail before the Trial Court and the Trial Court shall consider their bail application according to law.

With the aforesaid observation of the Court, bail application stands disposed of accordingly.

JUDGE

Comparing Assistant