GAHC010154622020

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

Case No. : AB/3105/2020

MAIZUL HOQUE MAZUMDAR AND ANR
S/O MUSLIM UDDIN MAZUMDAR, VILL-GHANIYARPAR, P.O.-AMBARI, P.S.-MURAJHAR, DIST-HOJAI (ASSAM)

2: HILAL AHMED MAZUMDA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

02-12-2020

This is an application, made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioners, namely, **1. Maizul Hoque Mazumdar** and **2. Hilal Ahmed Mazumdar,** apprehending arrest in connection with **Murajhar Police Station Case No. 434 of 2020**, registered **under Sections 420/406/409/34 of the IPC**.

I have perused the petition including the copy of the FIR and the documents annexed therewith.

The case diary produced has also been perused.

Heard Mr. H.R.A. Choudhury, learned senior counsel for the petitioners as well as Ms. A. Begum, learned Additional Public Prosecutor, appearing for the State of Assam.

It appears from the FIR that the petitioners were taking amount of Rs.500/- to Rs.1,000/- against the required fees of Rs.150/- or so, from the persons, who came for making their Aadhar Card. The FIR was filed by the Circle Officer on the basis of a video, which became viral. The video allegedly showed that the petitioners were taking money. But the witnesses, so far examined, make it appear that the petitioners had taken money although none of the witnesses could say that they had taken money beyond the prescribed fees. If this is so, custodial interrogation of the petitioners is not essential for the purpose of investigation of the case.

Accordingly, it is provided that in the event of arrest of the petitioners above named, in connection with the case aforementioned, they shall be released on furnishing bail bond of **Rs.10,000/- each**, with **a suitable surety** each of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant