GAHC010160922020

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

Case No. : AB/3244/2020

KAPILUDDIN SK AND 3 ORS
S/O SOMEJUDDIN SK, VILL-HARBHANGA, GOSSAIGAON, P.O.-TULSHIBIL, P.S.-GOSSAIGAON, DIST-KOKRAJHAR, BTR, ASSAM, PIN-783337

2: ZAKIR HUSSAIN
S/O ABDUL RAHIM MIYA
VILL-HARBHANGA
GOSSAIGAON
P.O.-TULSHIBIL
P.S.-GOSSAIGAON
DIST-KOKRAJHAR
BTR, ASSAM, PIN-783337

3: KAPSER ALI
S/O SOMEJUDDIN SK
VILL-HARBHANGA
GOSSAIGAON
P.O.-TULSHIBIL
P.S.-GOSSAIGAON
DIST-KOKRAJHAR
BTR, ASSAM, PIN-783337

4: SATTAR ALI
S/O MISER UDDIN SK
VILL-HARBHANGA
GOSSAIGAON
P.O.-TULSHIBIL
P.S.-GOSSAIGAON
DIST-KOKRAJHAR
BTR, ASSAMM PIN-78333

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

15-12-2019

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioners, namely, **1. Kapiluddin Sk., 2. Zakir Hussain, 3. Kapser Ali** and **4. Sattar Ali,** have prayed for pre-arrest bail, apprehending arrest in connection with **Gossaigaon Police Station Case No. 477 of 2020**, registered **under Sections 420/406/384/294 of the IPC**.

Heard Mr. M. Hussain, learned counsel for the petitioners as well as Mr. B. Sarma, learned Additional Public Prosecutor, appearing for the State of Assam.

The case diary produced has also been perused including the statements of the witnesses.

At least three witnesses have categorically stated that the petitioner Nos. 2, 3 and 4, above named, had taken the amount of Rs.500/-, Rs.800/- and Rs.500/- respectively from some persons for getting *Aadhar* Cards done for them. There is no instance on record to show that they are officially involved in the process of issuance of *Aadhar* Card. Therefore, apparently, they had taken the money illegally without any authority.

On the basis of such materials in the case diary, prayer for pre-arrest bail of the petitioner Nos. 2, 3 and 4 is **rejected**. The interim pre-arrest bail granted to the petitioner Nos. 2, 3 and 4 accordingly stands vacated.

However, since there is no material in the case diary against the petitioner No. 1, Kapiluddin Sk., his prayer for pre-arrest bail is granted.

Accordingly, the interim pre-arrest bail granted to the petitioner No.1, above named, vide order dated 18-11-2020, is made **absolute** by this order on the same terms and conditions.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant