

AB 1643/2017

BEFORE

HON'BLE MR. JUSTICE M. R. PATHAK

Heard Mr. T H Hazarika, learned counsel for the petitioner and Mr. T K Mishra, learned Additional Public Prosecutor, appearing for the State.

The petitioner, namely, Md. Sahidul Hussain, has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail in Rangia P.S. Case No.646/2016 registered under Sections 468/471 IPC & Section 17 of the Indian Citizenship Act, 1955.

Perused the case diary.

Matter relates to submission of forged Birth Certificate at the time of up-gradation of NRC. It is seen that after verification of the Birth Certificate, the Directorate of Health Services found that the name of the father of 'Ashik Hussain' was written as Sahidul Hussain in its records, whereas, the Birth Certificate that was submitted for up-gradation of NRC, the father's name of said 'Ashik Hussain' has been shown as Sahidul Saikia. For the said reasons, the Birth Certificate of said Ashik Hussain, being a forged document was not considered by the authorities of the NRC and on being reported, the informant S.D.M. & H.O.

Rangia Public Health Centre lodged the FIR against the petitioner. As the documents and records have already been seized and the forged documents have not been acted upon by the NRC. Considering the same, the Court is of the view that custodial interrogation of the petitioner is not warranted to investigate the aforesaid Rangia P.S. Case No.646/2016. Accordingly, this pre-arrest bail application of the petitioner is accepted.

In the event of arrest of the petitioner, namely, Md. Sahidul Hussain, in Rangia P.S. Case No.646/2016, he shall be released on bail on furnishing a bail bond of Rs.30,000/- with 2 (two) local sureties of the like amount to the satisfaction of the arresting authority on conditions that the petitioner shall appear before the concerned Investigating Officer of the said Rangia P.S. Case No.646/2016 on or before 04.09.2017 and thereafter, whenever he is required for necessary investigation of the case, shall not threat or intimidate the informant or any other witnesses of the case concerned and shall not hamper or tamper the evidences of the case.

Any violation of the aforesaid terms and conditions, by the petitioner, Md. Sahidul Hussain, bail granted to him in the above noted Rangia P.S. Case No. 646/2016 shall stand automatically vacated.

With the above observations, this pre-arrest bail application of the petitioner stands disposed of.

Return the case diary.