

Crl. Misc. No. 742/19

07.11.2019

Bail petitioner for accused person Saiful Islam represented.

Learned P.P. Mr. A. Kalam notified and appeared. Heard both sides on bail petition filed U/S 439 of Cr.PC praying for grant of bail to accused person namely **Saiful Islam** who is detained in custody in connection with Moirabari P.S. Case No. 300/19,(G.R. No. 3007/19) U/S 120B/419/420/488/471/409 IPC R/w section 66(c)/ 66 (d) IT Act. 2000.

Petition is supported by an affidavit filed by Ashiqur Rahman, swearing that no bail petition has been rejected or pending in Hon'ble Gauhati High Court.

Prosecution case, in concise, is that informant Romen Bora S.I of Police lodged a written ejahar stating inter-alia, that acting on a secret search operation at Saharia Gaon along with the staff in the house of Saiful Islam, they recovered 20 nos. of mobile phone, and 5,500 of SIM card from his possession vide Moirabari P.S. GDE no.392 dated 17.09.2019. It is also come to light that PSR of Vodafone Company Rajib Gayan of Nagaon provided the said activated SIM card of Vodafone and Idea to him. It also appears that accused person was involved in selling of OTPs (one time password) to various people via Whatsapp. The SIM cards were generated using fake documents, fake identity for financial gain and to commit fraudulent acts behind back of victims. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent. On the contrary, learned P.P. Mr. A. Kalam submitted that CD shows that investigation regarding I.T aspects still on going.

Perused CD and LCR. It enlarged on bail accused petitioner may hamper with investigation and temper with evidence. In view of interest of investigating agency bail prayer stands **rejected**.

The Crl. Misc. Case stands disposed off.

Send back L.C.R & CD accordingly.

Inform all concerned.

Asstt. Sessions Judge,
Morigaon

