

GAHC010004112024



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

**Case No. : AB/93/2024**

ROFIK ALI  
S/O GOLAM RAHMAN  
R/O VILL- KEHUTALI  
P.S. DHULA  
DIST. DARRANG, ASSAM  
PIN-784190

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : G UDDIN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**29.01.2024**

Heard Mr. A.K. Azad, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bhuragaon P.S. Case No.136/2023, under Section 420/406 IPC, read with Section 66(D) of the IT Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Rofik Ali, for grant of pre-arrest

bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Nashek Ali on 16.12.2023. The essence of allegation made in the aforesaid FIR is that one Babar Ali has defrauded him to the tune of ₹ 35,000/- with a view to provide CSP agent of Bank of Baroda.

4. Mr. Azad, learned counsel for the applicant submits that the allegation made in the FIR is against one Babar Ali and the present applicant is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. Whereas, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR and custodial interrogation of the applicant is necessary in the interest of investigation and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR and against the present applicant. He was in hand in glove with the accused Babar Ali while defrauding the informant. His custodial interrogation seems to be indispensable in the interest of investigation and accordingly, this petition stands dismissed. Case diary be returned.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**