

GAHC010016022023



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

Case No. : Bail Appln./309/2023

SIDDIQUE ALI
S/O-MD. FAZAL ALI, R/O- 95 DIMORIYA, NEAR NH 37, TOPATALI NC, P.O-
TOPATALI, P.S- KHETRI, DIST- KAMRUP, ASSAM, PIN- 782403

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P JAIN

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./142/2023

MD IMRAN AHMED
S/O MD. FAIYAZ AHMED
R/O MITHA PUKHURI ROAD

P.S. JORHAT
DIST. JORHAT
PIN-785001.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. B DEKA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-02-2023

Heard Mr. B. Deka, learned counsel for the petitioner.

Also heard Mr. B. Gogoi, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Md. Imran Ahmed, is praying for bail, in connection with Jorhat P.S. Case No. 877/2022, under sections 120(B)/420/406/467/468/471/34 of I.P.C. as the petitioners is languishing in jail hazot since 29.12.2022.

The allegations against the petitioner is that the fundS under the AB-PMJY scheme have been siphoned off by Satyam Hospital and Research Centre, Jorhat Town and deposited in the account of Arogya Health City. The petitioner is the one of the partners of Arogya Health City. It is alleged that the funds meant for the beneficiaries under the AB-PMJY Scheme has been deposited into the account of the petitioner. I have considered the submissions at the bar. It is submitted on behalf of the petitioner that the entire allegation is against the Satyam Hospital and Research Centre, Jorhat Town and is not against the petitioner. Satyam Hospital and Research Centre, Jorhat Town is responsible for

the false claim of funds which has been deposited in the account of Arogya Health City. The petitioner being a partner of Arogya Health City has admitted of having received some amount from the Arogya Health City from the Satyam Hospital and Research Centre, Jorhat Town as the petitioner offers services to the Satyam Hospital. The petitioner provides services of the Arogya Health City in the form of Diagnostic center, pharmacy to the Satyam Hospital and Research Centre, Jorhat Town.

Learned APP has raised objection against the bail prayer of the petitioner and submitted that there are cogent materials in the case diary against the petitioner that the funds have been deposited in the account of the petitioner. Further, the I.O has also forwarded a bail objection stating that the amount was transferred to the account of the petitioner.

The learned counsel for the petitioner has submitted that the case diary reveals that investigation has progressed substantially and the petitioner is languishing in jail hazot since 29.12.2022 and the petitioner shall co-operate with the further investigation of the case and shall not jump over the bail if he is granted the privilege of bail. He is also a local resident.

I have considered the length of detention of the accused petitioner. I believe that investigation may not be affected adversely if the petitioner is enlarged on bail.

I have also considered the fact that the petitioner is a local resident.

Considering all aspects, the accused petitioner namely, Md. Imran Ahmed, is enlarged on bail on furnishing a bail bond of Rs.35,000/- (Rupees Thirty Five Thousand) with one suitable surety of like amount, to the satisfaction of the Elaka Magistrate, in connection with Jorhat P.S. Case No. 877/2022, under sections 120(B)/420/406/467/468/471/34 of I.P.C

The bail is granted on the following conditions;

- 1.that the petitioner will refrain from such activities with which he is alleged.
2. that the petitioner will not leave the jurisdiction of the Court without prior permission of the jurisdictional Court.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant