

GAHC010015902023



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

Case No. : Bail Appln./290/2023

ROFUL AMIN @ MD ROFUL AMIN @ RUHUL AMIN
S/O LATE ABDUL KUDDUS
R/O DURABANDHI
W/NO.8
P.S. MOIRABARI
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 25.01.2023

Heard Mr. S. Munir, learned counsel for the accused/ petitioner and Ms. S.H. Bora, learned Additional Public Prosecutor for the State respondent.

2. By this application under Section 439 of the Code of Criminal Procedure, 1973, the accused, namely, Roful Amin @ Md Roful Amin @ Ruhul Amin, who was arrested on 22.12.2022 in connection with the Moirabari P.S. Case No. 230/2022, under Sections 120(B)/ 201/ 403/ 408/ 409/ 417/ 468 of the IPC read with section 7 of the EC Act, has prayed for granting regular bail.

3. The said case has been registered on the basis of one FIR lodged by Assistant Director of FCS & CA, Morigaon, on 05.12.2022. The gist of allegation against the accused person is that he being the Fair Price Shop Dealer with some other associates of Fair Price Shop Dealers and with the secretary M/S Lochonabori SS Ltd. misappropriated PMGKAY Rice depriving the beneficiaries for the month of August and September, 2022.

4. The learned counsel for the accused submits that the accused was arrested on 22.12.2022 and is in custody since then for last 34 days. This bail application is preferred on the ground of his length of detention. Further, it is submitted that some of the accused persons have been granted privilege of pre-arrest bail and some of them are also granted regular bail by the learned Sessions Judge, Morigaon and that the present accused person is also stands in the same footing, and therefore, it is contended to allow the petition, maintaining pariety.

5. On the other hand, the learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected some materials against the accused, and therefore, she has objection in enlarging the accused on bail. However, a pointed query of this court, Ms. Bora submits that the investigation of the case has almost been completed and the relevant documents have already been seized.

6. Having heard the submissions 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 Ms. Bora, learned Additional Public Prosecutor.
7. In view of materials so far collected in the case diary and also in view of the period of detention as well as the stage of investigation, this court is of the view that further custodial detention of the accused person in the interest of investigation seems to be unwarranted here in this case. Accordingly, it is provided that on furnishing a bond of Rs. 25,000/-, with one surety of like amount to the satisfaction of the learned CJM, Morigaon, the accused person be enlarged on bail.
8. In terms of above, this bail application stands disposed of.
9. The case diary be returned.

JUDGE

Comparing Assistant