

GAHC010026912023



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

Case No. : AB/390/2023

ALIZA BEGAM LASKAR
W/O- NAJIM UDDIN LASKAR, R/O-VILL- CHESRI, P.O AND P.S- BORKHOLA,
DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N H LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16-05-2023

Heard Ms. J Ghosh, learned counsel for the petitioner. Also heard Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, the FIR named accused, namely, **Aliza Begam Laskar** has prayed for her pre arrest bail in Borkhola P.S. Case No. 10/2023 registered under Sections 120(B)/294/406/420/468/471 IPC, corresponding to G.R. No. 407/2023.

One Naima Ahmed Laskar on 01.02.2023 lodged an FIR before the Officer-in-Charge of Borkhola Police Station, Cachar stating that the FIR named accused persons forcefully took their signatures and Rs. 300/- each for the purpose of registration of Self Help Group, though Self Help Group does not need any such amount for the purpose of registration.

The informant also stated that the FIR named accused persons by forging the signatures of the members of the Self Help Group took away the money sanctioned in their names being the members of the concerned Self Help Group.

The petitioner is on interim bail granted to her in Borkhola P.S. Case No. 10/2023 registered under Sections 120(B)/294/406/420/468/471 IPC, corresponding to G.R. No. 407/2023 vide order dated 14.02.2023 passed earlier in this proceeding.

Mr. Goswami, learned Additional Public Prosecutor from the case diary submitted that for the purpose of having any bank account of the members of a Self Help Group, said members personally have to visit the concerned bank and are required to give his/her signature in that bank. Mr. Goswami also stated that whatever money is sanctioned/granted to the members of the Self Help Group the same goes to the individual bank accounts of the members of the said Self Help Group.

Case Diary further reveals that the investigation as on date does not disclose regarding involvement of the petitioner in taking away such money sanctioned to the informant or the members of the concerned S.H.G.

Considering the above, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Borkhola P.S. Case No. 10/2023 and accordingly, the interim pre arrest bail granted to the petitioner, namely, **Aliza Begam Laskar** on 14.02.2023 in said Borkhola P.S. Case No. 10/2023 is hereby made absolute on the terms and conditions specified herein below:

- (i) The petitioner shall appear before the concerned Investigating officer of said Borkhola P.S. Case No. 10/2023 on or before 22.05.2023 and thereafter, as and when she is required for necessary investigation of the case;
- (ii) The petitioner shall not leave the territorial jurisdiction of Borkhola Police Station, without obtaining prior written permission from the concerned

Investigating Officer of the Case;

- (iii) The petitioner shall not hamper with the investigation or tamper with the evidence of the case and
- (iv) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the interim pre-arrest bail granted to her in said Borkhola P.S. Case No. 10/2023 shall stand automatically vacated.

It is also made clear that in the event of submission of charge-sheet in said Borkhola P.S. Case No. 10/2023 corresponding to G.R. No. 407/2023 and subject to taking cognizance of the offence against her in said P.S./G.R. Case, noted above, the petitioner shall appear before the concerned Trial Court for her regular bail.

With the above observation and direction, this anticipatory bail application stands allowed to the extent above.

Return the Case Diary.

JUDGE

Comparing Assistant