

GAHC010080872023



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

Case No. : Bail Appln./1379/2023

ABED ALI
S/O- NURUL ISLAM, VILLAGE- CHAKLA PT-II, P.S. ABHAYAPURI, DISTRICT-
BONGAIGAON, ASSAM, PIN- 783392

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 08.05.2023

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. A. M. Ahmed, learned counsel appears for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, Sri Abed Ali seeking

bail as he has been arrested on 03.04.2023 in connection with Abhayapuri P.S. Case No. 528/2022 registered under Sections 468/471/420/409 of IPC.

3. It is submitted by the learned counsel for the petitioner that by an FIR dated 12.11.2022 lodged by the informant, one, Dal Pathak, who claims to be a teacher of another college, allegations are made against the C.K. College, Chakla regarding the "Ishan Uday Scholarship". It is submitted by the learned counsel for the petitioner that by the said FIR it was alleged that the said college had resorted to a scam in the name of offering Ishan Uday Scholarship. It is alleged that the college had tried to make illegal money by submitting fake students list and verified by himself to UGC, Delhi. It is further submitted that other colleges including the college, in which the present petitioner was employed are also involved in the said scam.

4. The FIR was received and registered as Abhayapuri P.S. Case No. 528/2022 registered under Sections 468/471/420/409 of IPC.

5. In connection with the investigations of the said FIR, the petitioner was arrested and taken into custody on 03.04.2023. Since his date of arrest he has been in custody. This Court by earlier order had called for the case diary.

6. Mr. B. B. Gogoi, learned Addl. P.P has produced the case diary before this Court.

7. Case Diary produced has been carefully perused.

8. Upon perusal of the case diary, it is seen that there is a list of colleges against which the allegations are made in respect of the alleged scam being resorted to in the name of scholarship. The name of C.K.College, Chakla, in which the petitioner has employed as a LDA is also shown in that list.

9. The statements of the petitioner recorded before the police are also

available along with the case diary.

10. From the case diary, it is seen that the investigations are being carried on and the necessary documents and papers as considered necessary for the investigation to be carried on by the I/O has already been seized.

11. Upon perusal of the statements of the witnesses examined there are materials to suggest that the petitioner was involved in receipt of cash amount and depositing the said scholarship money in another bank account. The benefit of the scholarships has allegedly not also been received by the scholars, in whose name the scholarships were granted.

12. The primary allegations pertain to the management of the Institution comprising of the Principal and some of his relatives, who are looking after the management and affairs of the said college. The petitioner has no role or responsibility in the management of the college. The petitioner is employed as a Junior Assistant in the said C.K. College, Chakla.

13. It is seen that vide order dated 23.01.2023, which is enclosed as Annexure-5 of the petition that this Court had granted bail in respect of one, Shahidul Islam, who is stated to be the Principal of the said C.K. College, Chakla.

14. It is seen from the case diary that the relevant documents in connection with this case have already been seized by the Investigating Officer. The petitioner has been in custody since his date of arrest. After carefully perusal of the case diary, no materials are seen to suggest that further custodial detention of the petitioner is necessary for continuing the investigation. No materials are seen from the case diary to suggest that release of the petitioner at this stage of investigations will hamper the investigations being carried on by the police.

15. Considering all of the above, this Court is of the view that further

detention of the petitioner is not necessary for investigation of the case. Accordingly, the petitioner is directed to be released on bail. Accordingly, this Bail petition is allowed. The petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with two (2) local sureties of like amount subject to the satisfaction of the Chief Judicial Magistrate, North Salmara, Abhayapuri. The bail, granted however, subjected to the following conditions:-

- i) The petitioner shall appear before the Investigating Officer as and when required and cooperate with the investigation till completion of the investigation.
- ii) The petitioner shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, North Salmara, Abhayapuri.

16. With the above direction, the bail petition is accordingly allowed and disposed of.

17. Return the case dairy.

JUDGE

Comparing Assistant