

GAHC010091792023



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

Case No. : AB/1565/2023

MOTIUR HAQUE @ MOTIUR RAHMAN
S/O NURUL AMIN
R/O VILL- SILPUKHURI, P.S. MIKIRBHETA,
P.O. MIKIRBHETA
DIST. MORIGAON, ASSAM
PIN-782106

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S N TAMULI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-06-2023

Heard Mr. S.N. Tamuli, learned counsel for the petitioners.
Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

By this application under section 438 Cr.P.C., the petitioner namely, Motiur Haque @ Motiur Rahman is praying for pre-arrest bail as he is apprehending arrest in connection with Mikirbheta P.S. Case No. 97/2023, corresponding to G.R. Case No. 758/2023 under sections 120(B)/420/406/468/471/464 of I.P.C.

I have considered the submission at bar.

The F.I.R. unfolds that the informant along with other police personnel have conducted search at SBI CSP Borilbazar belonging to Sri Jiabur Rahman and run by Sri Motiur Rahman @ Motiur Hoque i.e the present petitioner and several items were recovered from the possession of the petitioner such as 227 Nos. of SBI Pass Books, 470 Nos. of SBI ATM Cards, 24 Nos. of HDFC ATM Cards some PAN and AADHAR Cards and 26 Nos. of Registers having records of Bank Account holders. Police has also recovered one Desktop Computer set along with some other incriminating materials and were seized in connection with this case.

Learned APP raised serious objection against the prayer of the petitioner for interim bail. It is submitted by the learned APP that during the investigation as per the bank statement, it came to light that in the name of several innocent persons, the petitioner along with other accused person opened bank accounts and thereafter money was withdrawn from these bank accounts by the petitioner. The individual in whose name the accounts were opened were the actual beneficiaries of Several Government Schemes such as MRNREGS, Pre-Matric Scholarship (Minority Scholarship), Old Pension Scheme, Mukhya Mantri Krishi Yojna, PM Kisan Yojna etc. The money disbursed for the beneficiaries was not received by the beneficiaries but the same was withdrawn by the petitioner. The Government funds were siphoned off by the petitioner, which has been used for wrongful gain by the petitioner.

I have considered the magnitude of the offence. It appears that the beneficiaries have been deprived of benefits and were not even aware about the account numbers that were opened in their names by using their documents like PAN Card and Adhaar Card etc by the petitioner along with the other accused person and the Government fund was siphoned off by the petitioner for wrongful gain.

In view of above, foregoing discussions, I have constrained to opine that the petitioner is not entitled to the privilege of pre-arrest bail at this stage.

Accordingly, the prayer for anticipatory bail of the present petitioner stands rejected at this stage.

Send back the case diary.

JUDGE

Comparing Assistant