

GAHC010149672023



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

**Case No. : AB/2375/2023**

NASAR UDDIN  
S/O LATE NUR UDDIN, R/O VILL-GOIRABARI PATHAR, P.S.-MOIRABARI,  
DIST-MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. A R SIKDAR**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**21.08.2023**

Heard Mr. A.R. Sikdar, learned counsel for the applicant. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Moirabari P.S. Case No.137/2023 registered under Sections 468/471/419/420/406/409/34 IPC, this application under Section 438

Cr.P.C. is preferred by the applicant Nasar Uddin for grant of pre-arrest bail.

3. It is to be noted here that Moirabari P.S. Case No.137/2023 under Sections 468/471/419/420/406/409/34 IPC has been registered on the basis of one FIR lodged by one Elias Rahman on 22.03.2023. The essence of allegation made in the FIR is that one Dildar Hussain, President Luchanabari Gaon Panchayat, one Mofidul Islam, GPC, one Jakir Hussain, GRS and the Secretary of Luchanbari Gaon Panchayat have misappropriated different amounts of grant of 14<sup>th</sup> Finance allotted for construction of road and houses allotted in the name of different persons.

4. Mr. Sikdar, learned counsel for the applicant submits that vide order dated 04.07.2023, this Court was pleased to extend interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and that the applicant is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 04.07.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam, producing the case diary before this Court, submits that the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency and further Mr. Kaushik submits that the I.O. has achieved substantial progress in the investigation and the same is almost completed. However, Mr. Kaushik submits that the materials so far collected in the case diary, has implicated the applicant with the offence alleged in the FIR.

6. Having heard the submission 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 Mr. Kaushik, learned Addl. P.P.

7. In view of the submission of learned Advocates of both sides and also in view of the materials collected so far in the case diary as well as the progress of investigation and also considering the fact that cooperation is being extended by the applicant to the investigating agency, his custodial detention seems to be not warranted here in this case

and accordingly, this Court is inclined to make the interim order dated 04.07.2023 absolute in the same terms and conditions.

8. CD be returned.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**