

GAHC010152422023



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

Case No. : Bail Appln./2434/2023

MOHIDUL HAZARIKA
S/O JOYNAL ABDIN
VILL- BECHAMARI, W/NO. 2,
P.S. DHING
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

13.07.2023

Heard Mr. A. Ahmed, learned counsel for the petitioner. Also heard
Ms. S. Jahan, learned Addl. P.P., Assam appearing for the State.

1. The petitioner, who was arrested on 24.06.2023 in connection
with Moirabari P.S. Case No.137/2023 registered under Sections

468/471/419/420/406/409/34 of the IPC, is seeking regular bail under Section 439 Cr.P.C.

2. The prayer for bail is opposed by the learned Addl. P.P. on the ground that as per the allegations made in the F.I.R., the petitioner along with others have misappropriated a sum of Rs.8,14,914/- during the year 2017-18 and a further sum of Rs.4,20,000/- during the year 2019-2020 and thus the petitioner along with others have misappropriated a total sum of Rs.14,20,000/- under Luchanabori Gaon Panchayat.

3. Considered the projection made in paragraph 2 of the petition wherein the petitioner has projected that he had initially joined in the District of Golaghat on 01.01.2015 and thereafter was transferred to Udali Block, Lanka on 27.07.2016 and again transferred and posted at Nagayapam Gaon Panchayat, Binnakandi Development Block on 06.06.2020 and by referring to the joining letter accepted at Luchanabori Gaon Panchayat under Moirabari Development Block, Morigaon on 02.11.2020, the petitioner has been able to prima-facie satisfy that during the relevant period he was not posted at the concerned Gaon Panchayat.

4. In view of the above, the Court is of the considered opinion

that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Mohidul Hazarika in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon.

5. The bail is granted on the following conditions :

- (i) The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- (ii) 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.
- (iii) The petitioner shall not obstruct the smooth progress of the investigation/trial.
- (iv) The petitioner shall not misuse his liberty in any

manner.

(v) The petitioner shall appear before the I.O. within 10 (ten) days from the date of his release and he shall continue to appear till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

6. The Bail Application stands disposed of.

JUDGE

Comparing Assistant