

GAHC010152902023



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

Case No. : Bail Appln./2444/2023

MD. SAIFUDDIN AHMED
S/O MD. ALTAF HUSSAIN
R/O FATEHPUR
P.O. KUTUBPUR
P.S. BIHPURIA
PIN- NO. 787054
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.08.2023

Heard Mr. R.P. Sarmah, learned counsel for the accused-petitioner as well as Ms. S.H. Bora, learned Additional Public Prosecutor for the state respondent.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Md. Saifuddin Ahmed**, in connection with **Bihpuria P.S. Case No. 119/2023(corresponding to G.R. No. 626/2023)**, registered under Sections **166(A)/420/406/409/468/34 IPC.**

The case diary produced has been perused.

It has been submitted by the learned counsel for the accused/petitioner that the accused-petitioner was the Panchyat Secretary of Pabha Gaon Panchayat. The allegation of misappropriation of Government fund was made prior to the appointment of the petitioner as Secretary as such, he is no way involved with the instant case. It is further submitted that earlier Secretary Alok Singh did not hand over relevant document to the present petitioner as a result of which, he failed to produce the documents relating to allocation and use of funds by Pabha Gaon panchayat. It is also stated that the petitioner was arrested on 04.07.2023, since then he has been detained in custody. Considering the period of detention as well as the background of the case, the prayer for bail may be considered.

On the other hand, Ms. Bora, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the accused/petitioner is very much involved in the present case. Therefore, she prays that the prayer of the petitioner may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties.

I have perused the case diary along with other relevant documents. it

appears that the present accused/petitioner was the Construction Committee Secretary under the scheme of 15th FCG. It is also revealed that the allotted schemes were (i) Construction of Additional Classroom at Pabha Chariali High School, (ii) Gym instrument at G.P. Office Campus (iii) Volleyball Development and Sanitation for G.P. Area (iv) Construction of Sanitary Latrine at Uttar Kutupur Moktab School, and (v) Construction of Community Hall near Fakir Chubri Maktab School Ahmedpur Block, have not been implemented according to the guidelines. It is further revealed that when the petitioner was asked to produce the bills/vouchers and other relevant documents, he failed to produce the same. It also appears that no construction work has been completed which shows gross negligence and misappropriation of Government funds under the said scheme

On consideration of the matter in its entirety this Court is of the view that this is not a fit case for grant of the bail to the accused/petitioner, at this stage. Therefore, prayer for bail is **rejected**.

The bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant