

GAHC010168302023



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

Case No. : AB/2688/2023

NASIR UDDIN AHMED,
S/O LATE ABDUR RAHIM
R/O VILL- BECHAMARI
P.S. DHING
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, 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 applicant Nasir Uddin Ahmed 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 14th 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 the applicant joined as Accredited Engineer in the Luchanbari Gaon Panchayat in January 2020, and that he is no way involved with the offence alleged in the FIR and he is also ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. R.R. Kaushik, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the investigation of the case is almost completed and that some materials are there against the present applicant also in the case diary.

6. In view of the submission of learned Advocates of both sides and also the stage of investigation as well as the materials collected so far in the case diary, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to allow this anticipatory bail application. Accordingly, it is provided that in the event of arrest of the applicant in connection with Moirabari P.S. Case No.137/2023, the applicant shall be enlarged on pre-arrest bail on his executing a bail bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is however subject to the following conditions:-

- (i) Applicant shall not leave the jurisdiction of the learned C.J.M., Morigaon without prior permission.
- (ii) Applicant shall appear before the I.O. within a period of 10(ten) days from today.

(iii) Applicant shall not indulge in hampering the investigation or tampering the witnesses.

7. In terms of above, this bail application stands disposed of.

8. CD be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant