

GAHC010180432023



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

Case No. : Bail Appln./2873/2023

ALOK KR. SINGH
S/O ANIL KUMAR SINGH
VILL- WARD NO. 10, MILAN NAGAR
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

29.08.2023.

Heard Ms. S.G. Baruah, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. P.P., Assam appearing for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, has been filed by the petitioner, namely, Alok Kr. Singh, who is detained behind the bar since 16.07.2023 (46 days) in connection with the Bihpuria P.S. Case No.119/2023 (corresponding to G.R. Case No.626/2023), under Sections 166A/

420/406/409/468/34 of the IPC.

The accusation in this case is that on 13.06.2023, one Smti. Kaberi Buragohain, Block Development Officer (BDO) of Karunabari Development Block had lodged an FIR before the Officer-in-Charge of Bihpuria Police Station, inter alia, alleging that during the course of an inquiry it was found that misappropriation of Government funds of Pabha Gaon Panchayat from the 14th and 15th Finance Commission Grant under Pabha Gaon Panchayat has been committed. On receipt of the said FIR, the Bihpuria P.S. Case No.119/2023 was registered.

It is submitted by Ms. S.G. Baruah, learned counsel for the petitioner that the petitioner was the Secretary of the Pabha Gaon Panchayat for the period 2019-21 and he was arrested in this case on 16.07.2023, though he is not involved in the allegations leveled in the FIR. The learned counsel for the petitioner has also submitted that the FIR was lodged by the BDO of Karunabari Development Block and the inquiry on the basis of which the FIR was lodged, was conducted by the Chief Executive Officer of the Lakhimpur Zila Parishad and the President of the Pabha Gaon Panchayat took the anticipatory bail and the police arrested the present petitioner without he is being involved in the alleged offence.

On the other hand, Ms. A. Begum, learned Addl. P.P., Assam submits that there are incriminating materials against the present petitioner. However, she also submits that the I.O. has recorded the statement of witnesses and has also seized certain documents in this regard. She has also opposed the grant of bail to the present petitioner on the ground that there are incriminating materials against him.

I have considered the submissions made by learned counsel for the parties as well as perused the case diary, which was called for in connection with this bail

application.

It appears that the President of the Pabha Gaon Panchayat has already been granted anticipatory bail by this Court and the petitioner has been detained behind the bar since 46 days which is a considerable period of time. But considering the progress made in the investigation, this Court is of the considered opinion that further custodial detention of petitioner Alok Kr. Singh does not appear to be necessary, for fair completion of investigation of Bihpuria P.S. Case No.119/2023, if the petitioner cooperates with the Investigating Officer (I.O.).

In view of above, petitioner Alok Kr. Singh is allowed to go on bail of Rs.50,000/- (Rupees fifty thousands) with one surety of like amount, to the satisfaction of the learned CJM, Lakhimpur District, with following conditions:-

- (1) that the petitioner shall cooperate with the I.O.,
- (2) he shall not leave the jurisdiction of Lakhimpur District without prior leave of the learned CJM, Lakhimpur and prior intimation to the I.O. during the pendency of investigation of Bihpuria P.S. Case No.119/2023, and
- (3) he shall not try to influence any witness or tamper with any evidence, involved in this case.

With above observation, this bail petition is disposed of.

Return back the case diary forthwith.

JUDGE

Comparing Assistant