

GAHC010183072023



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

Case No. : Bail Appln./2924/2023

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

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.08.2023

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the

State.

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

It has been submitted by the learned counsel for the accused-petitioner that the petitioner has been detained in custody for the last 56 days. It is also submitted that as per FIR, the misappropriation of Government fund was done under the Scheme of 14th FCG and 15th FC in Pabha Gaon Panchayat but on that time, the petitioner was not the secretary of Pabha Gaon Panchayat. On 07.09.2021, the petitioner joined as in-charge Secretary in Pabha Goan Panchayat. It is further submitted that the co-accused Sri Alok Kr. Singh who was the secretary of Pabha Gaon Panchayat during the period of misappropriation of funds is also granted bail by this Court. Considering the length of detention, petitioner may be enlarged on bail.

Mr. Goswami, learned Additional Public Prosecutor for the State has opposed in granting bail to the accused/petitioner by stating that some other co-accused persons are yet to be arrested in connection with this case. It is also submitted that the investigation is still going on, so that the prayer of the accused/petitioner may not be considered at this stage.

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

I have also perused the case diary. Considering the fact that substantial part of investigation has been completed as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, the bail is granted to the petitioner.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Bihpuria Police Station Case No. 119/2023(corresponding to G.R. Case NO. 626/2023)**, registered under **Sections 166(A)/420/406/409/468/34 IPC**, on furnishing bail bond of **Rs.30,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned CJM, Lakhimpur.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Lakhimpur, without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 the Court or to any police officer.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by

the Investigating Police Officer till the investigation of the case is completed.

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

Return the case diary.

JUDGE

Comparing Assistant