

GAHC010209782023



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

Case No. : AB/3201/2023

AJIDA BEGUM
W/O SHRI SHORIFUL ISLAM
R/O VILL- AHMEDPUR BLOCK,
P.S. BIHPURIA
P.O. KUTUBPUR
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR Z KAMAR

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

09.10.2023

This is an application under Section 438 Cr.P.C. is filed for the second time before this court apprehending arrest in connection with Bihpuria Police Station Case No. 119/2023 (corresponding to GR case No. 626/2023) under Sections

166A/420/406/409/468/34 IPC.

2. This court by order dated 08.09.2023 passed in AB 2459/2023 had earlier rejected the prayer of the petitioner.

3. The basic ground of rejection of such prayer of bail as reflected in the order dated 08.09.2023 passed by this court in AB 2459/2023 shows that there are misappropriations of Government fund sanctioned against different projects for public purposes like construction of Community Hall, Gymnasium Hall, Volleyball Field, Sanitary Latrine wherein the husband of the Gaon Panchayat President, who is the petitioner herein, was the Chairman of the construction committees.

4. Mr. Z Kamar, learned Senior counsel submits that from the aforesaid order it is clear that bail has been rejected only for the reason that the husband of the petitioner was Chairman in different construction committee wherein the allegation of misappropriation of Government fund as alleged.

5. This court called for the case diary under its order dated 18.09.2023.

6. Perused the same once again including the statements of the different persons recorded by the Investigating Authority under the provision of Section 161 Cr.P.C. Such statements reflect that there are misappropriations and embezzlement of funds by different construction committees and in some cases, the petitioner was the joint signatory along with the Secretary of the Gaon Panchayat for release of such fund. It is also seen that funds are being released to the construction committee and one of the signatory of releasing the fund is the present petitioner, wherein the Chairman of the construction committee is the husband of the petitioner. It is also seen that the husband of the petitioner had also executed work as vendor as well as the Chairman of such construction committee and it is his wife, the present petitioner, who authorised release of such fund. It is also seen that in case of certain project, cash payment has been made to the vendor. It is also seen that there are materials which reflects that

though funds were released, works were either not completed or not properly utilised.

7. The connivance of the petitioner in the commission of the offences more particularly by the husband of the petitioner are discernible from the materials so far collected by the Investigating Authority.

8. In view of the above, this court is of the considered opinion that the petitioner is not entitled for privilege of pre-arrest bail more particularly when there are materials implicating the petitioner in conspiring in commission of the offences with her husband. Accordingly, the bail application stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant