

GAHC010213922022



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

Case No. : AB/3082/2022

AYESHA SULTANA CHOUDHURY
D/O HABIBUR RAHMAN CHOUDHURY
VILL- SILCHAR SONAI ROAD,
NEAR GAS AGENCY
P.S. SILCHAR SADAR
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 25-01-2023

Heard Mr. H.R.A. Choudhury, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor representing the State respondent.

Case Diary received and I have perused the same.

This application is filed under Section 438 of the Criminal Procedure Code, 1973, praying for pre-arrest bail by the applicant in connection with Sonapur Police Station Case No.198/2022 under Sections 406/420/419 of Indian Penal Code.

Mr. H.R.A. Choudhury, learned counsel for the applicant has submitted that the actual fact of the case is that the applicant was selected as a beneficiary of a Start Up India under Urbanization Scheme Government of Assam, and accordingly the Government of Assam sanctioned a loan amount of Rs. 1.3 crores through the State Bank of India, Silchar Branch, which includes 30 lakhs subsidy for purchasing 3(three) Nos. of buses. The sanctioned loan amount was duly credited in the loan account of the applicant in the State Bank of India, New Silchar Branch. Thereafter, the applicant came to know that without her knowledge the dealer had engaged one person Mr. Fazal Mahmud Mazumdar, who is also an accused to make the vehicles road worthy through JCBL Punjab, which is a body builder of buses. But, the aforesaid dealer failed to deliver the three vehicles and accordingly the applicant also issued a legal notice to that effect about the aforesaid facts. Thus, applicant is innocent and no way involved in the alleged offence as alleged in the FIR.

It is also submitted that as per order dated 21.10.2022, the accused applicant appeared before the IO; co-operated during the investigation of this case and also provided the relevant documents before the IO, so that it can help the IO for further investigation of this case. But, the co-accused did not appear before the I.O., even after the notice was issued to him. Further, the accused/applicant prays for extending the privilege of pre-arrest bail, and if the same is granted, she is ready to co-operate with the investigation of this case.

In this context, Ms. N. Das, learned Additional Public Prosecutor submits that the applicant has already appeared before the IO and also submitted relevant documents and gave her statement under Section 161 Cr.P.C. and thus, her further custodial interrogation may not be necessary here in this case.

After hearing the submissions made by the learned Advocates of both sides and also considering the materials available in the Case Diary as well as the conduct of the accused applicant, I find it appropriate to extend the privilege of pre-arrest bail to the applicant, namely Ayesha Sultana Choudhury. Thus, the order passed by this Court dated 21.10.2022, in connection with Sonapur Police Station Case No.198/2022 under Sections 406/420/419 of Indian Penal Code, is hereby made absolute with the subject to the following conditions:

- (i) that the applicant shall make herself available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicant 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; and
- (iii) that the applicant shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant