

GAHC010223732023



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

Case No. : Bail Appln./3545/2023

RAHIM AI SADDAT @ RAHIM AI SADAT AHMED
S/O MIRAN ALI
VILL- SANTIPUR
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

16.10.2023

Heard Mr. S. Munir, learned counsel for the accused and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is

preferred by accused, namely, Rahim Al Saddat @ Rahim Al Sadat Ahmed, who has been languishing in jail hazot since 09.09.2023, in connection with South Salmara P.S. Case No.275/2023, under Section 420/406/468 IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by the Chief Executive Officer, Zilla Parishad, South Salmara, Mankachar, Hatsingimari on 07.09.2023. The essence of allegation made in the said FIR is that one Jiaur Rahman Ahmed of village Bhimapara approached the Chief Executive Officer and informed him that some beneficiaries of the village Bhimapara/Fulerchar Pt-II Ward No.4, under Fulerchar G.P., have drawn Government fund under the PMAY-G in collaboration with GPC Rahim Al Saddat and other Government and non-Government (elected) functionaries of G.P. level/Block level but have not constructed the houses under the programme and they have drawn the fund and misappropriated the same.

4. Mr. Munir, learned counsel for the accused, submits that the accused was arrested on 09.09.2023, and since then he is behind the bar for last 37 days and that he is a local person and some other Government officials are also involved with the same and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. Whereas, Mr. P. Borthakur, the learned Additional Public Prosecutor has opposed the petition and producing the case diary before this Court Mr. Borthakur submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. Borthakur contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Additional P.P.

7. Case diary indicates that the I.O. has collected sufficient incriminating materials against the present accused. It appears that the present accused has submitted the fake photographs of the construction of houses and on checking the same in the PMAY-G

portal, it was found that the photo uploaded in the portal against the beneficiaries of the aforesaid scheme are same and the present accused has played the vital role in misappropriating the fund. The investigation is going on and the co-accused are yet to be arrested and as such, this Court is of the considered opinion that this is not a fit case where the privilege of bail can be extended to the accused and accordingly, the petition stands dismissed.

8. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant