

GAHC010000372024



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

Case No. : AB/32/2024

NAZRUL ISLAM BARBHUIYA AND ANR
S/O LATE ABDUL KUDDUS BARBHUIYA
VILL AND P.O. NAIRGRAM PT.III, P.S. SILCHAR, DIST. CACHAR, ASSAM-
788013

2: HABIBUR RAHMAN MAZUMDER
S/O NACHIB ALI MAZUMDER
VILL- TUPPKHANA PT.I
P.S. SILCHAR
DIST. CACHAR
ASSAM-78800

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHAKRAVARTY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.02.2024

Heard Mr. B. Chakraborty, learned counsel for the petitioners and Mr. D. Das, learned Addl. Public Prosecutor for the State respondent.

This is an application filed under Section 438 CrPC by the petitioners namely (1) Nazrul Islam Barbhuiya and (2) Habibur Rahman Mazumder, seeking pre-arrest bail, apprehending arrest in connection with Silchar PS Case No. 567/2023 (Corresponding to G.R. Case No. 1037/2023) registered under Sections 409/ 420/ 34 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioners that the petitioners are Government employees and they were on interim bail till date vide order dated 09.01.2024. The petitioners are not involved with the offence as alleged in the FIR and they are not the entrusted persons to identify the beneficiaries in the gram panchayat. The G.P. Secretary and the other officials who are bona fide official persons on official duty to look out the scheme and to assist the smooth distribution of the G.P fund. The accused/ petitioners are government employees working as Gram Rozgar Sahayak (GRS) and Tax Collector (T.C.) respectively and they have no role to identify the beneficiaries. They may be enlarged on pre-arrest bail under any terms and conditions as this Court deems fit and proper.

In this Context, Mr. Das, learned Addl. PP has submitted that the petitioners, after obtaining interim pre-arrest bail vide order dated 09.01.2024, have appeared before the I.O. for interrogation and their statements have been recorded under Section 161 Cr.P.C. He further submits that considering the materials available in the case dairy as well as note of the I.O., he raised no objection in granting pre-arrest bail.

Considering the submissions of the learned counsel for the parties and other aspects of the case as well as considering the note of the I.O., I find that further custodial interrogation of the accused/ petitioners may not be necessary.

Accordingly, it is directed that the interim order dated 09.01.2024 is hereby made absolute, subject to the following conditions that:-

1. the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
2. the petitioners 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 any other police officer, and

3. the petitioners shall not hamper the investigation or temper with the evidence of the case.

The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant