

GAHC010002422024



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

Case No. : AB/42/2024

RAHUL JIT ROY
S/O LT. BISESWAR ROY
VILL- JOREGAON, BTAD,
KOKRAJHAR, PIN-783369

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.02.2024

Heard Mr. M. Baruah, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam for the State respondent

This petition under Section 438 Cr.P.C. has been filed seeking pre-arrest bail of the petitioner, namely, Rahul Jit Roy in connection with Kokrajhar P.S. Case No. 417/2023 under Sections 418/420/409 of the IPC.

It is submitted by Mr. Baruah, the learned counsel for the petitioner that the present petitioner is the VCDC Chairman of Kalipukhuri VCDC and the allegation has been brought against him is that he has misappropriated the funds for construction of PMAY-G houses for the beneficiaries. It is submitted that

the petitioner is innocent and he is not involved with the alleged offence. The money/ fund granted to the beneficiaries directly deposited in their Bank account in 3 instalments and thus question of misappropriation of money does not arise.

The learned counsel for the petitioner has submitted that after obtaining the interim pre-arrest bail the petitioner appeared before the Investigating Officer and his statement has also been recorded under Section 161 Cr.P.C. The petitioner is still ready and willing to cooperate with the Investigating Officer if he is granted privilege of pre-arrest bail.

In this context, Mr. Das, the learned Addl. P.P has submitted that the petitioner has already appeared before the Investigating Officer and his statement has also been recorded under Section 161 Cr.P.C. Mr. Das has raised no objection in granting privilege of pre-arrest bail to the accused petitioner.

In view of above, considering the submissions of the learned counsel for the parties and the materials available in the case diary, I find that custodial interrogation is not necessary in this case and fit to extend privilege of pre-arrest bail to the present accused petitioner and accordingly the interim pre-arrest bail granted on 09.01.2024 is hereby made absolute with the same directions and conditions.

The bail application is disposed of.

JUDGE

Comparing Assistant