

GAHC010018442024



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

Case No. : Bail Appln./272/2024

HIFJUR RAHMAN LASKAR
R/O VILLAGE NORTH NARAINPUR PART II, P.S. ALGAPUR,
DIST HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.02.2024

Heard Mr. A.M. Barbhuiya, learned counsel for the accused; Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent; and Mr. S. Sohail, learned counsel for the informant.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Hifjur Rahman Laskar**, who has been languishing in jail hazot, in connection with the **Algapur P.S. Case No. 173/2020**, under Sections 120[B]/ 420/ 468/ 409/ 406 of the IPC read

with Section 7 of the E.C. Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Mohib Uddin Laskar, on 01.06.2020. The essence of allegations made in the FIR is that during the period of Covid-19 Pandemic, the Government has directed the President and Secretary of each Gaon Panchayat to prepare list of poor and helpless families, who are deprived of rice and other commodities, under the Food Security Act, for granting a sum of Rs. 1,000/- to those each family and 5 kg rice to each member of those family, to ensure their Food Security. But, the President and Secretary of North Naraipur Gaon Panchayat under Algapur Block, have prepared the list of the beneficiaries by incorporating the names of the Government employees, retired Government employees, families getting benefits under National Food Security Act at fair price and by entering newly married women in the list of such beneficiaries and also by entering the names of such people who are presently residing in other States and thereby, misappropriated the money and rice.

4. Mr. Barbhuiya, learned counsel for the accused submits that the accused was arrested on 18.01.2024, and since then he has been languishing in jail hazot for last 21 days. Mr. Barbhuiya further submits that preparation of list of beneficiaries was the work of not only the President and Secretary, but also the other members of the Gaon Panchyat and that some anomalies were detected after preparation of list and immediately after detection of the same, the list was corrected by deleting those names. Mr. Barbhuiya also submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor

has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the accused. However, Mr. Barua submits that the IO has achieved substantial progress in the investigation and seized all the relevant documents and also recorded the statements of the beneficiaries. Mr. Barua also submits that the case is now pending for further investigation.

6. Whereas, Mr. Sohail, learned counsel for the informant submits that he has no objection in the event of enlarging the accused on bail.

7. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

8. It appears that the accused was shown arrested here in this case on 18.01.2024, and since then he has been languishing in jail hazot for last 21 days. Further, it appears that the occurrence took place in the year 2020, when Covic-19 Pandemic was prevalent and since then the IO got sufficient time for investigation. Also, it appears from the case diary that the IO has collected relevant materials and also examined the witnesses.

9. Having considered above and also considering the period of detention and balancing the same with the nature and gravity of the offence alleged in the FIR, this Court is of the view that further custodial detention of the accused may not be warranted here in this case.

10. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief**

Judicial Magistrate, Hailakandi, the accused persons be enlarged on bail.

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

12. The case diary be returned.

JUDGE

Comparing Assistant