

GAHC010019072024



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

Case No. : AB/238/2024

LUTFOR RAHMAN
S/O- LATE NAYEB ALI, VILL. SADULLABARI, P.S. MANKACHAR, DIST-
SOUTH SALMARA MANKACHAR, ASSAM, PIN- 783131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MS. A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. R. Islam, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam as well as Mr. A. Ahmed, learned counsel for the informant.

This is an application under Section 438 of Code of Criminal Procedure,

1973, filed by the petitioner, namely, Lutfor Rahman for granting of pre-arrest bail to the accused petitioner, who is apprehending his arrest, in connection with Mankachar P.S. Case No. 431/2013 registered under Section 403/406/409/468/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. R. Islam that though the FIR was lodged on 28.09.2023 but the same was registered along with GD Entry only on 23.11.2023. More so, in the FIR the allegation was brought in regard to misappropriation of an amount of Rs. 22,35,972/- (Rupees Twenty-two lakhs thirty-five thousand nine hundred seventy-two) only for a period of 2017-18. But, from the Annexure-2 i.e. the Audit Report of the year 2017-18, it is seen that the present petitioner has already deposited an amount of Rs. 27,25,720.50/- (Rupees Twenty-seven lakhs twenty-five thousand seven hundred twenty point five zero) only which was in his hand in the year 2017-18. Thus, the learned counsel for the petitioner has submitted that a false and concocted allegations has been levelled against him only because he was reselected as a chairman of the cooperative society after the order of this Court passed in WP(C)No.3801/2020 dated 15.09.2023. Hence, the petitioner accordingly prays for grant of interim pre-arrest bail and also submits that he is ready to co-operate with the investigation of this case, if so granted.

Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam submits that the petitioner has appeared before the Investigating Officer and his statement has been recorded under Section 161 Cr.P.C.

He further submits that there are incriminating materials available in the case diary implicating the petitioner.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears from the case diary that as per report of the Inquiry Officer, Rs. 11,17,986.00 and 28,11,200 have not been recovered from the petitioner and the co-accused.

It further appears that the investigation is at an active stage.

In view of the above, this court is not inclined to grant anticipatory bail to the petitioner at this stage.

As such, the prayer for anticipatory bail stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant