

GAHC010046122024



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

Case No. : AB/582/2024

SHOHIDUR ROHMAN
S/O LATE NAYEB ALI
VILL- NANDIA, P.S. MANKACHAR,
DIST. SOUTH SALMARA MANKACHAR, ASSAM-783135

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR R ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

10.05.2024

Heard Ms A Hussain, learned counsel for the petitioner. Also heard Mr D Das, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973, for granting pre-arrest bail to the petitioner, i.e., Shohidur Rohman, who is apprehending arrest in connection with Mankachar PS Case No. 431/2023, under Sections

403/406/409/468/34 of the Indian Penal Code, 1860.

3. The Case Diary called for, is placed before this Court.
4. The case of the prosecution is that the petitioner had misappropriated an amount of Rs. 22,35,972/- (Rupees Twenty Two Lacs Thirty Five Thousand Nine Hundred and Seventy Two Only), of the shareholder of the Kalapani Samabai Samity Limited, during the period 2017-2018, while he was holding the post of acting Secretary of the Society.
5. Pertinent that, by order dated 07.03.2024, the petitioner was granted interim pre-arrest bail, subject to conditions thereof.
6. Mr D Das, learned Additional Public Prosecutor for the State of Assam, submits that the petitioner has appeared before the Investigating Officer in terms of the interim pre-arrest bail order passed earlier by this Court. He further submits that the statement of the petitioner has been recorded under Section 161 CrPC. He further submits that the petitioner has cooperated with the investigation.
7. Heard the parties and perused the records available.
8. It appears from the record that the petitioner is cooperating with the investigation and the statement of the petitioner under Section 161 CrPC, has already been recorded. It further appears that there are no adverse materials available on record against the antecedent of the petitioner. Accordingly, this Court is of the considered opinion that custodial interrogation of the petitioner may not be necessary for the ongoing investigation. As such, the interim pre-arrest bail granted earlier by this Court, vide order

dated 07.03.2024, is hereby made absolute, subject of course, to the following conditions:-

- (i) That the petitioner shall cooperate in the on-going investigation;
- (ii) That the petitioner 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 to any Police Officer; and
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

9. The Anticipatory Bail Application stands disposed of.

10. Return the Case Diary.

JUDGE

Comparing Assistant