

GAHC010046372024



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

Case No. : AB/556/2024

ABDUL HAMID
SON OF- ABDUL SUKKUR, RESIDENT OF RANIGRAM, P.O.- JALAL NAGAR,
T.E. KARIMGANJ, DISTRICT KARIMGANJ, PIN-78812 , ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR. K MOHAMMED, MR D J HALOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06-09-2024

Heard Mr. D.J. Haloi, learned counsel for the petitioner Abdul Hamid, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Karimganj Police Station Case No. 41/2024 registered under Sections 420/406/468/471 of the Indian Penal Code, 1860.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
3. The allegation against the petitioner is that there was an agreement between the consultant i.e. the informant and the petitioner for admission of students for the course of BE at Comibatore, Tamil Nadu. The petitioner has received an amount of Rs.10,40,250/- (Rupees Ten Lacs Forty Thousand Two Hundred and Fifty) for admission of students. It is alleged that the petitioner has misappropriated the funds and as promised no admission was provided to the students in the engineering colleges.
4. It is submitted on behalf of the petitioner that the petitioner has already returned the amount as admission could not be provided. Annexure-6 of the petition clearly reveals the agreement executed between the informant and the petitioner. It was also agreed that as the petitioner had taken the responsibility to repay the amount, the petitioner has already repaid the amount. Annexure-7 series clearly reveals the repayment of the amount which was deposited in the informant's bank.
5. I have considered the submission that the petitioner has already submitted the deposit/payment slips relating to returning the money to the informant. I have scrutinized the Annexure-6 and Annexure-7. I have also considered the fact that the petitioner has appeared before the Investigating Officer and his statement has been recorded and he has cooperated with the investigation.
6. Considering all aspects, interim order dated 28.03.2024 is hereby made absolute under the same terms and conditions.
7. In terms of the above observation, this Anticipatory Bail application stands

disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant