

GAHC010064642024



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

Case No. : AB/809/2024

RUFUL AMIN
S/O ABDUL KADDUS, VILL- DURABANDHIBILL, P.S.-MOIRABARI, DIST-
MORIGAON, ASSAM, PIN-782126

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : P. GHOSH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-04-2024

Heard Mr. I. A. Hazarika, learned counsel for the petitioner Ruful Amin.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as he is apprehending arrest in connection with Moirabari Police Station Case No. 38/2024 registered under Sections 419/420/467/468/406/409/34 of the Indian

Penal Code, 1860 (IPC for short).

3. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the respondent State.

4. The allegation against the petitioner is that with an income of more than Rs.1,00,000/- (Rupees One Lac) the petitioner has procured rations cards for his wife/Rumena Begum, sister-in-law/Rubina Yasmin, brother-in-law/Latiful Hawa, Nafisa Hoque Choudhury/nephew and mother/Samsun Nahar.

5. The learned Additional Public Prosecutor has raised objection against the bail prayer stating that the case is in its nascent stage of investigation, and the petitioner is not cooperating with the investigation. There are incriminating materials against the petitioner that the ration cards were fraudulently obtained while he was the Secretary of M/S Lochanabori GPSS Ltd.

6. I have also perused the Case Diary. Indeed there are incriminating materials against the petitioner.

7. However, the petitioner has submitted that he will appear before the Investigating Officer and he will cooperate with the investigation. I have also considered the submissions that the rations cards have already been cancelled by an order dated 15.03.2024 passed by the Assistant Director, Food Public Distribution Consumer Affairs, Morigaon being No. MSA.31/2024/17.

8. It is submitted that the petitioner being a government employee, if arrested, will be terminated from service and he is the sole breadwinner of his family.

9. Considering all aspects, petition is allowed.

10. In the event of his arrest, the petitioner shall be enlarged on bail on

furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the condition that:

(i) The petitioner shall cooperate with the investigation and appear before the Investigating Officer within one week.

(ii) The petitioner shall refrain from such activities with which he is alleged.

(ii) The petitioner shall not influence any witness.

11. On breach of any of the bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

Anticipatory Bail application stands disposed of in the above terms.

JUDGE

Comparing Assistant