

GAHC010076922024



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

Case No. : AB/1004/2024

NAWAZUR RAHMAN
S/O ATAUR RAHMAN, R/O MORIGAON-NAGAON ROAD, MORIGAON
TOWN, P.S.-MORIGAON, DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.04.2024

Heard Mr. JUNM Laaskar, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail by the accused/petitioner, namely Nawazur Rahman who is apprehending arrest in Morigaon P.S. Case No. 64/2023 corresponding to G.R. No.313/2024 under Section 419/420/409 of IPC.

It is submitted by the learned counsel for the petitioner that he is innocent and no way involved in

the alleged offence. He was working in the office only as a data operator and apart from that his job is to entry data which was provided to him by the Inspector or the Director of Food and Civil Supply Department. He used to entry the data in the computer as per the list of beneficiaries provided to him by the senior officers of the department i.e. the Inspector as well as Director of the Food and Civil Supply Department. But when he got some information about the misappropriation of money or fake distribution of card he leaked the matter and as a result of which he was victimized and with some false allegation the case has been lodged against him. However, he is ready and will cooperate the I/O, if he is granted with the privilege of pre-arrest bail.

In this context, learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the petitioner showing his direct involvement in the offence. As per the materials in the case diary, the present petitioner used to receive money from consumer and agents and also received huge amount of money from fair shop owner and accordingly he made around 700 numbers of fake entry in the computer and issued AAY ration card in favour of some persons who are not entitled for the same. As per the witnesses, he received 1,43,000/- from the fair shop owner for issuing the ration cards and after departmental enquiry, it has come to the notice that he misappropriated an amount of Rs.22 lacs from the department and those fake ration cards were issued by creating fake I/D in the name of Inspector and thus issued AAY ration card by entering the data in his computer. He further submits that as per the report of the I/O some of the ration cards are yet to be recovered and his custodial interrogation will be needed to conduct TIP for identification of the present accused/petitioner.

Accordingly, the learned Additional Public Prosecutor has raised objection in granting the privilege of pre-arrest bail to the petitioner.

I have heard the submissions made by the learned counsel for both sides and also perused the materials available in the case diary and the bail objection filed by the I/O in connection with the case.

From the materials available in the case diary and from the objection submitted by the I/O, it is seen that the present accused is the master mind and is the prime accused of the case and around 22 lacs has already been misappropriated by the accused/petitioner and further for identification of the present accused, the TIP will be required for which custodial interrogation of the petitioner may be required in this case. More so, it is also reported by the I/O that most of the witnesses are residing in the adjacent locality and hence there is a chance of hampering and tampering the further investigation of the case and hence for just and proper investigation of the case, the custodial interrogation will be required.

From the report of the I/O, it is seen that the present accused/petitioner is roaming all over India by changing his name as Md. Nawazur Rahman and hence it is not easy to search the present petitioner and thus he is avoiding police arrest.

Considering the submissions made by the learned counsel for both the parties and the materials available in the case diary, it is seen that custodial interrogation of the present petitioner will be required for the further investigation of the case.

Accordingly, I do not find it a fit case to extend the benefit of pre-arrest bail to the petitioner at this stage.

Accordingly, the anticipatory bail application stands rejected.

Return the case diary.

JUDGE

Comparing Assistant