

GAHC010123902024



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

Case No. : Bail Appln./1788/2024

BHABEN DEKA
S/O LT. JADURAM DEKA
R/O VILL- UPAHUPARA, P.S. MANGALDOI, DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

15.07.2024

Heard Mr M Biswas, learned counsel for the petitioner, Bhaben Deka, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as he is behind bars since 28.05.2024, in connection with Mangaldoi PS Case No. 147/2024, registered under Sections 406/408/409/420 of the Indian Penal Code, 1860.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
3. The allegation against the petitioner is that he had embezzled some funds of the Mangaldoi Civil Hospital in his capacity as an Accountant of the Hospital from 2022 upto 2024. An enquiry was initiated and various irregularities and misappropriation of Government funds were detected in the records maintained by the Block Accounts Manager. On verification of record, it was unearthed that there was transaction of an amount of Rs. 33,82,288.00, without any sanction order of the DDO. An amount of Rs. 61,94,701.00 was spent from the PFMS funds without recording the same and there were such anomalies relating to huge amounts of funds of the Hospital.
4. It is submitted on behalf of the petitioner that the petitioner was already interrogated in Police custody for 3 days. It is submitted that further detention may not be required because investigation so far as interrogation of the above petitioner is concerned, is already over.
5. The learned Additional Public Prosecutor has submitted that there are some incriminating materials against the petitioner in the Case Diary.
6. I have also perused the Case Diary. Indeed there are incriminating materials against the petitioner.
7. I have considered the length of detention. The petitioner has been behind bars for 49 days.
8. It appears that further custodial detention may not be required for progress of

investigation, as investigation has progressed to a considerable extent.

9. I have also considered the submission that the petitioner is willing to cooperate with the investigation and abide by any stringent bail conditions, if imposed upon him.

10. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/-, with a suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldoi.

11. With the above directions, this bail application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant