

GAHC010126152024



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

Case No. : Bail Appln./1847/2024

SISHIR CHAKRABORTY AND ANR.
S/O LATE SATYAJEET CHAKRABORTY
R/O CHAKU MAKU
P.S. JAGIROAD,
DIST. MORIGAON, ASSAM

2: RUPA BHARALI
W/O SISHIR CHAKRABORTY
R/O CHAKU MAKU
P.S. JAGIROAD
DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.06.2024

1. Heard learned counsel Mr. S. M. Mollah for the petitioners namely (i) Sishir Chakraborty, and (ii) Rupa Bharali.
2. This application has been filed by the petitioners under Section 439 of the Cr. PC with prayer for bail as they are behind bars since 16.05.2024 in connection with Morigaon P. S. Case No. 120/2024 registered under Sections 120(B)/409/420 of the IPC.
3. Heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam for the respondent State.
4. Through the FIR it was alleged that Smt. Rupa Bharali, a resident of Jagiroad received a four-wheeler vehicle for selling fish under the Prime Minister's Fisheries Resources Scheme with subsidy of Rs.6,00,000/- (Rupees Six Lacs) from the Office of the Fisheries Department at Morigaon. However, a broker namely Rajaqul Islam of Jagiroad submitted the invoice for the purchase of the vehicle in the name of one of his close associates to the DFDO Office and deposited only a portion of the subsidy into Rupa Bharali's bank account. Later a close associate of Rajaqul Islam, petitioner herein, bought the vehicle in his own name and embezzled the money in collaboration with the DFDO, but Rupa Bharali was made a scapegoat as her name has already been reflected as the beneficiary fraudulently, a broker has been enjoying the fruits which the beneficiary ought to have received. The Head Officer is hand in gloves with the broker and such other brokers who have easy access into the Fisheries Department to continue with the nefarious activities.
5. At present Rajaqul Islam is using the vehicle belonging to Rupa Bharali to transport sand, bricks and stones. In this manner the brokers have a hand in selecting the beneficiaries, and the Head Assistant of the Department is also

bribed with Rs. 1000/- for each and every fraudulent brokerage.

6. Both the petitioner's conduct reveals that they are deeply involved in the scam.

7. The learned Additional Public Prosecutor has raised objection stating that the Government funds have been embezzled in this process.

8. I have considered the length of detention. Investigation may have presumably progressed to a certain extent.

9. I have also considered the prayer of parity. The other co-accused have already been enlarged on bail. The petitioner's are local residents and not flight risks.

10. They have pledged to co-operate with the remaining part of the investigation and to abide by any stringent bail conditions.

11. In view of my foregoing discussions, petition is allowed.

12. The petitioners are enlarged on bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the Elaka Magistrate under the condition that;

(i) The petitioners shall refrain from any such activities with which they are alleged.

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

JUDGE

Comparing Assistant