

GAHC010126872024



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

Case No. : AB/1649/2024

JUBEDA HANUN AND ORS
W/O ROBIUL HUSSAIN, R/O BADLA BAZAR, PO BADLA BAZAR, PS
NAGARBERA, ASSAM

2: SANGITA DAS
W/O RITIK BORDOLOI

RESIDENT OF LUIT PATH
HOUSE NO. 22
JYOTINAGAR PO BAMUNIMAIDAM
PS CHANDAMARI
ASSAM

3: NUR UDDIN
S/O LATE HASHEM ALI GOANBURHA
RESIDENT OF JAWKATA DIA
PO DEKACHANG
PS BOKO
ASSAM

4: ROBIUL HUSSAIN
S/O LATE SABUR UDDIN
R/O BADLA BAZAR
PO BADLA BAZAR
PS NAGARBERA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : P. KALITA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

03.07.2024

1. Heard Mr. A. Paramanik, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, the learned Additional Public Prosecutor, appearing for the State of Assam.
2. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973, for granting pre-arrest bail to the accused petitioners, namely, (1)Jubeda Hanun, (2)Sangita Das, (3) Nur Uddin and (4) Robiul Hussain, who are apprehending arrest bail in connection with Nagarbera Police Station Case No. 63/2024, registered under Section 409/420/34 of the Indian Penal Code.
3. The FIR is filed by a person, who claims to be a resident of under Tupamari Gaon Panchayat. The basic allegation is that the petitioners, who are President, Secretary, Ward members had misappropriated money in relation to a work of Land Development at Badla Rangapani Bazar.
4. The case diary was called for by this Court.
5. Same is produced.
6. Perused the same.
7. From the case diary, it reveals that the construction of said

Land Development at Badla Rangapani Bazar is not yet completed and work is going on and the Investigating Officer has also collected certain materials and documents and also a report from the period. The materials so far collected; in the considered opinion of this Court do not warrant custodial interrogation of the petitioner inasmuch as the petitioner had appeared before the Investigating Officer and got their statements recorded under Section 161 of the Code of Criminal Procedure, 1973.

8. Accordingly, in the interim, in the event of arrest of the petitioners above-named, in connection with the case aforementioned, they shall be released on bail on furnishing bail bond of Rs.25,000/- each with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on the following conditions:

- (i) The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its Officer-In-Charge,
- (ii) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,
- (iii) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer,
- (iv) The petitioners shall appear before the Officer-In-Charge, Nagarbera Police Station Case No. 63/2024 within 7(seven) days from today,

(v) The petitioners shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

9. The case diary be returned back.

10. With the above observations, this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant