

GAHC010132922024



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

Case No. : AB/1714/2024

AJIT SARKAR AND ANR.
S/O LATE SURESH SARKAR
R/O VILL- BORKHAL, P.S. JAGIROAD
DIST. MORIGAON, ASSAM, PIN-782413

2: MD. JUMA KHAN
S/O LATE SARIF KHAN
R/O VILL- NO. 1 BORAPAYEK NELI P.S. JAGIROAD
DIST. MORIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B C CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

29.07.2024

Heard Mr B C Choudhury, learned counsel for the petitioners, 1) Sri Ajit Sarkar, and
2) Md Juma Khan.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Morigaon PS Case No. 381/2020, under Sections 120(B)/420/406/34 of the Indian Penal Code, 1860.
3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.
4. The FIR unfolds that an enquiry report has been submitted on the basis of letter received from Superintendent of Police, Morigaon, through which the learned Additional Superintendent of Police, Morigaon has submitted that the petitioners in collusion with other miscreants have been fraudulently procuring the compensation of MACT, Morigaon. They have misappropriated funds by cheating the public and the insurer. It was projected that the two vehicle bearing Registration Nos. AS-21D-5047 and AS-21D-4051 have been involved in six separate cases by replacing the original vehicle and by using insurance certificates and R/C. Through several cases, funds have been obtained, procured and siphoned off to the tune of Rs. 25 lacs.
5. The learned Additional Public Prosecutor has submitted that that there are cogent and incriminating materials in the Case Diary against the petitioners.
6. I have also scrutinized the Case Diary. Indeed there are cogent and incriminating materials in the Case Diary against the petitioners.
7. I have considered the role attributed to the petitioners and the magnitude of the

offence. The petitioners are indeed not entitled to anticipatory bail, at this stage.

8. In view of my foregoing discussions, it appears that there is no justified to extend the privilege of anticipatory bail to the petitioners at this stage of investigation. Hence, petition with prayer for pre-arrest bail stands rejected at this stage.

9. Send back the Case Diary.

JUDGE

Comparing Assistant