

GAHC010141072023



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

Case No. : AB/2264/2023

BUDHEN BHAGUWATI AND ANR.
S/O LATE DEBEN BHAGUWATI
R/O VILL- MORIGAON (BATHURIGAON)
P.S. MORIGAON
DIST. MORIGAON, ASSAM

2: HABIBUR RAHMAN
S/O LATE ABDUL AZIZ
R/O VILL- BHELOWGURI
P.S. NO. 1 LAHARIGHAT
DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A R SIKDAR
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

15.02.2024

Heard the learned counsel Mr. A.R. Sikdar appearing for the petitioner.

Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

This is an application under Section 438 of the CrPC filed by the petitioners, namely- (1) Sri Budhen Bhaguwati and (2) Habibur Rahman praying for anticipatory bail in connection with Bhelowguri P.S. Case No.29/2023, registered under Sections 120(B)/420/409/468/34 of the IPC.

One Md. Amiruddin lodged a complaint case against the present petitioners and some other persons. It is alleged in the said FIR that the informant belongs to BPL category and therefore, the Government allotted him a house under Prime Minister's Awas Yojana. The informant has further alleged that the local BDO and these petitioners in collusion with former Panchayat Secretaries had conspired to deprive him from getting the house.

The informant had stated that the petitioners along with local BDO and some other persons forged their job cards and got money sanctioned against those forged job cards, thereby, misappropriated a huge amount of money.

Pursuant to an interim order granted by this Court, the above named petitioners appeared before the Investigating Officer and got their statements recorded before the investigating police officer.

Mr. Das submits that though the petitioners' statements did not throw any light into the alleged offence, some other witnesses have given statement implicating the present petitioners.

I have considered the submissions of the learned counsels of both sides.

Since the petitioners have co-operated with the police investigation,

they do not deserve to be detained in custody. Accordingly, their pre-arrest bail application is allowed.

Interim bail granted on 26.06.2023 in favour of the above named petitioners is made absolute.

The application for bail stands disposed.

Return the case diary.

JUDGE

Comparing Assistant