

GAHC010154632024



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

Case No. : AB/1993/2024

SUFIA KHATUN MANDAL AND ANR
W/O SARBESH ALI
VILL- PITAHDI PAM, P.S. SARTHEBARI
DIST. BARPETA, ASSAM

2: SARBESH ALI
S/O MUKTAR ALI
VIL- PITAHDI PAM
P.S. SARTHEBARI
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 16.09.2024

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. H.A. Ahmed

appearing for the petitioners as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023, whereby the petitioners, 1. Sufia Khatun Mandal and 2. Sarbesh Ali have prayed for releasing them on bail in connection with Sarthebari P.S. Case No. 92/2024.

3. The informant Aynal Hoque had lodged an FIR with the police alleging that the present two petitioners being the president of Gaon Panchayat and being the proprietors of a business establishment had misappropriated public funds.

4. I have considered the submissions made by the learned counsels of both sides. I have also gone through the case diary.

5. Both the petitioners have appeared before the Investigating Officer and got their statements recorded.

6. For the aforesaid reasons, this Court is of the opinion that custodial interrogation of the petitioners is not necessary. Therefore, the bail application of the petitioner is allowed.

6. The interim bail granted by this Court in favour of the petitioners on 05.08.2024 is hereby made absolute.

7. The petitioners are directed to appear before the Investigating Officer as and when called for.

With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant