

GAHC010180312024



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

Case No. : AB/2333/2024

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. P K ROYCHOUDHURY, MR A N AHMED, MR. B C
CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

10.09.2024

Heard Mr P K Roychoudhury, learned counsel for the petitioner, Md Juma Khan, who has filed this subsequent application under Section 482 of the BNSS, 2023, with prayer for bail, as he is apprehending arrest in connection with Morigaon PS Case No. 381/2024, under Sections 120(B)/420/406/34 of the Indian Penal Code, 1860.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.
3. It is submitted that vide order dated 29.07.2024, passed in AB No. 1714/2024, the earlier pre-arrest bail petition of the petitioner, Md Juma Khan, was rejected after perusal of the Case Diary. The petitioner has filed the subsequent bail application on substantial change of circumstances, which has been placed on record. It is submitted that the petitioner is seriously ailing, as he has a heart condition. Annexure-C of petition clearly reveals the petitioner's heart condition.
4. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
5. I have perused the Case Diary.
6. Indeed there are incriminating materials in the Case Diary against the petitioner.
7. 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 petitioner 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 vehicles bearing Registration Nos. AS-21D-5047 and AS-21D4051, 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.

8. The medical documents are old documents. It is true that the petitioner had a heart condition, but he underwent operation and he has been discharged after operation. Annexure-C reveals that the petitioner was directed for follow-up after 6 months on 01.12.2023. At present, no recent documents relating to the heart condition of the petitioner has been submitted. Angioplast was conducted and the heart block was removed, but at present, no recent documents relating to the heart condition of the petitioner has been submitted.

9. I have considered the role attributed to the petitioner and the allegation against him. I have considered the staggering magnitude of the offence. False evidence was alleged to have been presented in a Tribunal.

10. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Hence, petition is rejected, at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant