

GAHC010197562024



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

Case No. : Bail Appln./2877/2024

MD JUBBAR ALI
S/O LATE HUSSAIN ALI AHMED
R/O VILL-MADHAPUR
P.S. PATACHARKUCHI
DIST. BAJALI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S BORA, MS J RAJKUMARI

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2354/2024

AYNUN NEHAR
W/O MD. JUBBAR ALI
R/O VILL- MADHAPUR
P.S. PATACHARKUCHI
DIST. BAJALI
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. S BORA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : AB/2335/2024

KHANDAKAR ABUL KALAM
S/O LATE NURUL ISLAM
R/O VILL- GALIA
P.O. GOREIMARI
P.S. HOWLY
DIST. BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 23.09.2024

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. J. Islam appearing for the petitioner in AB No.2335/2024 and Mr. S. Bora, learned counsel appearing for the petitioners in BA No. 2877/2024 and AB No. 2354/2024. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. Since all the bail application arises out of the same FIR, all the three bail applications

are taken up together for disposal by this common order.

3. These applications are filed under Sections 482 & 483 of the BNSS, 2023 seeking pre-arrest bail, regular bail in respect of Patacharkuchi P.S. Case No. 172/2024.

4. The informant, being the In-charge Secretary of a Gaon Panchayat, has brought allegations of irregularities as well as misappropriation of public funds against the former President of a Gaon Panchayat, Ms. Aynun Nehar and her husband, Md. Jubbar Ali and Md. Khandakar Abul Kalam.

5. Pursuant to the interim orders granted by this Court on 05.09.2024 and 06.09.2024, Ms. Aynun Nehar and Md. Khandakar Abul Kalam have appeared before the Investigating Officer and they have co-operated with the investigation. Therefore, they do not deserve to be detained in custody.

.

6. Accordingly the interim orders granted in favour of the petitioners, namely, Ms. Aynun Nehar and Md. Khandakar Abul Kalam on 05.09.2024 and 06.09.2024 are hereby made absolute. Therefore, the bail applications of the petitioners, Ms. Aynun Nehar and Md. Khandakar Abul Kalam i.e. AB No.2335/2024 and AB No. 2354/2024 are allowed. They are directed to appear before the Investigating Officer as and when called for.

7. So far the bail application of the petitioner, Md. Jubbar Ali is concerned, for consideration of his bail application, the case diary shall be returned for updating the same.

8. The Bail Application No. 2878/2024 shall be listed again on 24th of October, 2024.

9. The AB No.2335/2024 and AB No. 2354/2024 are disposed of.

JUDGE

Comparing Assistant