

GAHC010201422024



2024:GAU-AS:11272

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

Case No. : Bail Appln./2938/2024

RAKIB AHMED
S/O FAIZUR RAHMAN
R/O WARD NO. 1,
DOBOKA TOWN, P.O. AND P.S. DOBOKA, PIN-782440, DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-11-2024

Heard Mr. P. Bordoloi, learned counsel for the petitioner Rakib Ahmed, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 23.08.2024 in connection with Doboka Police Station Case No. 148/2024 (corresponding to

G.R. Case No. 2029/2024) under Sections 120(B)/420/468/409 of Indian Penal Code, 1860.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The FIR unfolds that Dr. Abu Sarif Akanda and Md. Imdad Chand along with three Pharmacists were involved in malpractices and financial irregularities under "Ayushman Bharat, PMJAY Scheme" while they were posted at Doboka CHC during 2022-23 and 2023-24.

4. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against the petitioner.

5. It is submitted on behalf of the petitioner that the petitioner has been behind bars for 89 (Eighty Nine) days.

6. I have considered the submissions at the bar with circumspection. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. However, considering the length of detention, petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Hojai under the conditions that :

(i) the petitioner shall cooperate with the remaining part of investigation,

(ii) the petitioner shall refrain from such activities with which he is alleged and,

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

7. On breach of any of the bail conditions, interim bail order shall

automatically stand cancelled.

8. In term of the above observations, this Bail Application stands disposed of.
9. Send back the Case Diary.

JUDGE

Comparing Assistant