

GAHC010205462024



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

Case No. : Bail Appln./2992/2024

SHAHADOT ALI
S/O LATE ERFAN ALI
R/O VILL- SATSIA
P.O. JAMADARHAT
P.S. FAKIRGANJ
DIST. SOUTH SALMARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA, MR. N MAHAJAN, MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.11.2024

Heard Mr. B.K.Mahajan, learned counsel for the petitioner as well as Mr. M.Phukan, learned Public Prosecutor, Assam for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023, the accused-

petitioner, namely, **Shahadot Ali** has prayed for grant of bail in connection with **Vigilance PS Case No. 09/2024** under Section 120B/420/406/409/468/471 of the IPC r/w Section 13 (1) (a)/13 (2) of the Prevention of Corruption Act, 1988.

As per allegation in the FIR, the present petitioner, who was the in-charge Principal of Hamidabad College, Satsia, Dhubri, had misappropriated college funds in connivance with the members of the Governing Body of the college.

Learned counsel for the petitioner submits that the petitioner was the in-charge of Hamidabad College, Satsia, Dhubri at the relevant time. But the allegation made against the petitioner is not true. It is further submitted that the petitioner has been languishing in judicial custody for last 63 days since his arrest on 18.09.2024 and by that time, the investigating agency has completed investigation and as such, further custodial interrogation of the petitioner may not be required in this case.

On the other hand, learned Public Prosecutor has produced the case diary and admits that substantial part of the investigation has been completed. However, he has opposed in granting bail to the petitioner.

I have considered the submission of the learned counsel for both the parties and perused the case diary. Considering the length of detention and also the fact that in the case of this nature, the investigation is purely based on documentary evidence. Alleged documents were seized as per case diary. Hence, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Assam, Guwahati**.

The direction for bail is further subject to the conditions that the **petitioner**:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Assam, Guwahati without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant