

GAHC010207592024



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

Case No. : Bail Appln./3080/2024

RAJA QUL ISLAM
S/O AKBAR ALI, R/O PALIGUR, P.S. AND DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH, MS. C M BEZBARUAH, MR R ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.10. 2024

1. Heard SM Mollah, learned counsel for the petitioner, Reja Qul Islam.
2. The petitioner has filed this bail application under Section 483 of BNSS, 2023, with prayer for granting bail as he is behind bars since 03.09.2024 for last 49 days in connection with Morigaon P.S. Case No. 120/2024 under Sections 120B/ 409/ 420 IPC.

3. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.
4. An FIR was lodged by Sri Dulal Bora against the Head of the office of the Fisheries Department of Morigaon District, Sri Bhaskar Jyoti Nath, DFDO, and his associate brokers for the fraudulent activities.
5. It is alleged that Sri Bhaskar Jyoti Nath is involved in corruption in collusion with some brokers. Their activities have been noticed by the residents of Morigaon.
6. It is contended that a beneficiary, namely, Rupa Bharali, a resident of Jagiraod has received a four-wheeler vehicle for selling fish under the Prime Minister's Fisheries Resource Scheme with subsidy of Rs. 6 lacs from the office of the Fisheries Department at Morigaon. However, a broker namely, Reja Qul Islam of Jagiraod submitted the invoice for purchasing a vehicle in the name of one of his close associates of the DFDO and he deposited only a fraction of the subsidy into Rupa Bharali's bank account. Later, a close associate, Reja Qul Islam purchased the vehicle in his own name and embezzled the money in collusion with the DFDO. Rupa Bharali was the beneficiary, but now, the broker, i.e. the petitioner, Raja Qul Islam is enjoying the fruits after purchasing the vehicle in a fraudulent manner.
7. It is further alleged that Bhaskar Jyoti Nath is involved in approving the subsidy because he is the Head Officer of the Fisheries Department and under his instructions, the Government Funds could be withdrawn after verification of the invoices for purchasing the vehicles.
8. It is further alleged that some brokers have been dominating the Fisheries Department with the assistance of Sri Bhaskar Jyoti Nath and they have easy

access to the offices and they are also well aware of the bank accounts of the beneficiaries of the Department. They paid a Boro Babu, Head Assistant, to procure the information relating to the beneficiaries.

9. Learned Addl. P.P. has raised serious objection against the prayer of bail as there are sufficient incriminating materials in the case diary against the petitioner. He has submitted that the petitioner is directly involved with the alleged offences and thus, he is not entitled to bail at this stage of investigation.

10. I have considered the submissions at the bar with circumspection.

11. I have also considered the length of detention and the progress of investigation.

12. I have scrutinized the case diary. Indeed there are materials against the petitioner in the case diary, but further custodial detention may not be required for the purpose investigation. I have considered the submission that the petitioner will abide by any stringent bail condition, if imposed on him and he will co-operate with the investigation. The investigation has progressed to a considerable extent.

13. Considering entire aspect of the matter, petition is allowed.

14. In view of the above and considering the length of detention, the petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned, Chief Judicial Magistrate, Morigaon in connection with the aforesaid case under the following conditions that:-

- (1) the petitioner shall refrain from such activities with which he is alleged,

(2) the petitioner shall not jump the bail and shall co-operate with the investigation,

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

15. On breach of any of the bail conditions, the bail order shall automatically stand cancelled.

16. Bail application stands disposed.

17. Return the case diary.

JUDGE

Comparing Assistant