

GAHC010218532024



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

Case No. : Bail Appln./3191/2024

JAMIL AHMED BARBHUIYA
S/O TAFZZUL ISLAM BARBHUIYA
VILL- BORBOND PART-II, P.O. BALIURA,P.S. AND DIST. HAILAKANDI,
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA, MS A BEGUM,MR. B SAHARIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.10.2024

Heard Mr. A M Barbhuiya, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the petitioner, namely, Jamil Ahmed Barbhuiya, who was arrested in connection with Hailakandi P.S. Case No. 210/2024.

The present petitioner is the Secretary of a School Management Committee. The complainant was the President of the said School Management Committee. He had lodged an FIR before the Police

alleging that the present petitioner being the Secretary, without approval of the School Management Committee had withdrawn an amount of Rs.2,64,150/- and credited the same in his personal account.

Mr. Barbhuiya, learned counsel for the petitioner has submitted that the complainant was removed from the School Management Committee and was replaced by one Sri Abdul Sattar Laskar.

On the basis of the documents available in the record, Mr. Barbhuiya has submitted that the School Management Committee had approved the withdrawal of money for payment to the construction workers, who was constructing the school building. Documents also suggest that after completion of the construction work, money was paid to the construction workers.

Mr. Kaushik, learned Additional Public Prosecutor has submitted that for consideration of the bail prayer, Case Diary will be necessary.

I have considered the submission made by the learned counsel of both sides.

On the basis of the documents available in the records, it appears that the petitioner was allowed by the School Management Committee to withdraw money for paying the same to the construction workers.

This court is of the opinion that the petitioner was unnecessarily arrested by Police in this case. Therefore, he no longer deserves to be detained in custody. Hence, the prayer for bail is allowed. Accordingly, the petitioner Jamil Ahmed Barbhuiya, who was arrested in connection with Hailakandi P.S. Case No. 210/2024 shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hailakandi.

The bail application is disposed of.

JUDGE

Comparing Assistant