

GAHC010225012024



2024:GAU-AS:11181

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

Case No. : AB/2829/2024

SAHINAS PARBIN
W/O- LOKMAN HUSSAIN, R/O VILL-PORAVITA, P.S.- FAKIRGANJ, DIST.
DHUBRI, ASSAM.

2: LOKMAN HUSSAIN

S/O- ABDUS SATTAR MIAH
R/O VILL-PORAVITA
P
S.- FAKIRGANJ
DIST. DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR MEHEBUB HOSSAIN, MR. M H LASKAR, MD M
ISLAM, MS. A SULTANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-11-2024

Heard Mr. M.H. Laskar, learned counsel for the petitioner Nos. 1. Sahinas Parbin and 2. Lokman Hussain, who have filed this application under Section

482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Fakirganj Police Station Case No. 127/2024 under Section 420 of Indian Penal Code, 1860.

2. Heard learned Additional Public Prosecutor, Assam Mr. K. Baishya for the respondent State

3. Learned counsel for the petitioners has submitted that the allegation against the petitioners that they have misappropriated the proceeds of the old GP Office, which was dismantled, is not true.

4. Learned Additional Public Prosecutor has submitted that the petitioners have already appeared before the Investigating Officer and their statements have been recorded and thus, there is no apprehension of arrest and so, this bail petition may be rejected.

5. I have scrutinized the Case Diary. The petitioners have appeared before the Investigating Officer and their statements have been recorded. The allegation against the petitioners is that some building materials of the old GP Office were found in their house. I have considered the submission that the petitioners' daughter is suffering from cerebral palsy. I have also considered the submission that all the materials have been seized in connection with this case. I have considered the submission that the petitioners are willing to cooperate with the investigation.

6. Considering all aspects, petition is allowed. The petitioners are enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that :

(i) the petitioners shall appear before the Investigating Officer and cooperate with the investigation,

(ii) the petitioners shall appear before the Investigating Officer on every fortnight till completion of investigation and,

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

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

8. In terms of above observation, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant