

GAHC010227522024



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

Case No. : AB/2891/2024

SRI ISRAFIL HOQUE
S/O LATE SOLEMAN ALI
R/O ADABARI PART-II, P.O. CHAGALCHARA, P.S. DHUBRI (SADAR), DIST.
DHUBRI, ASSAM, PIN-783324.
VERSUS
THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : Ms. R. R. BORAH, MR S RAHMAN, MR. A A R KARIM, MR. A DEB

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.11.2024

1. Heard Mr. AAR Karim, learned counsel for the petitioner, **Sri Israfil Hoque**, who has filed this application under 482 BNSS, 2023 with a prayer for pre-arrest bail as he is apprehending arrest in connection with Dhubri P.S. Case No. 337/2024 (Corresponding to G.R. Case No. 1115/2024) under Sections 420/409 IPC.
2. Heard Mr. K. Baishya, learned Addl. Public Prosecutor, Assam, appearing for the State respondent. The learned Addl. PP has raised objection against the

prayer of pre-arrest bail.

3. The FIR unfolds that during settlement of expenses of PMJAY beneficiaries, some irregularities in terms of OPD and IPD patient came to light. The informant alongwith Principal -cum- Chief Superintendent directed the Hospital Administrator to check some of the documents and bills on a random basis. As some bills showed PMJAY code of different patient other than the actual beneficiary, an institutional committee was constituted. The inquiry committee has submitted a preliminary report on the basis of the analysis of records of two months (randomly selected the month of October, 2023 and February, 2024) and found prima facie evidence of financial irregularities in the billing counter fraudulently putting PMJAY Case ID in OPD patient which were not registered under PMJAY thereby causing loss of revenue to the Hospital Management Society, DMCH. The Committee in it's preliminary report mentions that in those two months, the Hospital Management Society, DMCH incurred a loss of approx. Rs. 66,560/ and one Habibul Hasan Alom has already been arrested in connection with this case.

4. I have considered the submission that the petitioner is willing to co-operate with the investigation. The petitioner is a local resident and is not a flight risk.

5. The case diary is received and perused.

6. I have considered the submissions of the learned counsel for the parties at the bar with circumspection.

7. I have scrutinized the case diary. Investigation has substantially progressed.

8. Considering the entire aspect of the matter and in view of facts and

circumstances of this case, this court is of the view that pre-arrest bail may be granted. Accordingly, it is directed that in the event of arrest of the petitioner named above in connection with this case, he may be enlarged on pre-arrest bail of Rs. 30,000/- with one surety of the like amount to the satisfaction of the arresting authority.

9. The pre-arrest bail is however subject to the following conditions that:-

- (1) the petitioner shall appear before the I.O. within 1 (one) week from today;
- (2) the petitioner shall refrain from such activities with which he is alleged;
- (3) the petitioner shall appear before the I.O. on every fortnight till completion of investigation, and
- (4) the petitioner shall not hamper the investigation or tamper with the evidence of the case.

10. On breach of any of the bail conditions, bail granted to the petitioner shall automatically stand cancelled.

11. Bail application is disposed of.

12. Send back the case diary.

JUDGE

Comparing Assistant