

GAHC010248582024



2024:GAU-AS:12420

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

Case No. : AB/3081/2024

KARISMA BEGUM @ KASHMIRA BEGUM
W/O MONOWAR HUSSAIN,
RESIDENT OF VILLAGE BERABHANGA PART II, PO AND PS SUKCHAR,
DIST SOUTH SALMARA MANKACHAR, ASSAM

2: MONOWAR HUSSAIN
S/O GOLAP HUSSAIN

RESIDENT OF VILLAGE BERABHANGA PART II
PO AND PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR J I MONDAL, MD H R AHMED, MR J ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

09.12.2024

1. Heard Mr. T. J. Mahanta, learned Senior Counsel for the petitioners namely, (i) Karishma Begum @ Kashmira Begum, and (ii) Monowar Hussain.
2. The petitioners have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Sukchar P.S. Case No. 76/2024 under Sections 61(2)/318(4)/316(5)/316(5) of the BNS.
3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State who has raised serious objection against the bail petition of the petitioners.
4. I have considered the submissions at the Bar.
5. It is submitted that a complaint was initially lodged before the Chief Minister of Assam and the Chief Secretary to the Government of Assam which was converted into an FIR, and the FIR unfolds that on 27.01.2024, a complaint was filed by the informants before the CM's Vigilance and Anti-Corruption Authorities relating to massive corruption, misappropriation and misuse of government funds under the 15th Finance/MGNREGA projects and schemes by the petitioner no. 1 and her husband i.e., the petitioner no. 2. As no action was taken, FIR was lodged. It is submitted that the petitioner no. 1 was a simple housewife but she got elected as president of Sukchar G.P. Earlier they were landless flood

affected citizens but at present they have amassed wealth worth crores of rupees. The petitioner's bank balance will reflect that she has accumulated crores of rupees in her bank account.

6. The learned Senior Counsel has submitted that the petitioner is willing to cooperate with the investigation and she may be protected so that she may appear before the Investigating Officer and submit all the documents to prove her innocence.

7. It has been falsely alleged that the petitioner has become a millionaire overnight and has purchased a plot of land in the heart of Hatsingimari and has constructed a 5 storied building for Rs. 10 crores.

8. I have scrutinized the Case Diary. The merits of the case are not brought to the fore.

9. I have considered the submissions at the Bar that the petitioner is willing to cooperate with the remaining part of investigation. Investigation has progressed substantially.

10. It is further submitted that the petitioners are willing to abide by any stringent bail conditions if imposed upon them. It appears that further custodial interrogation may not be required as the petitioner no. 1 who was a Gram Panchayat president does not appear to be a flight risk. The petitioner no. 2 is the petitioner no. 1's husband.

11. Considering all aspects, petition is allowed. Meanwhile, in the event of their arrest, both the petitioners shall be 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 on every fortnight and cooperate with of investigation,

(ii) The petitioners shall appear before the Investigating Officer within 1 week and cooperate with the investigation, and

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

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

13. Send back the Case Diary.

JUDGE

Comparing Assistant