

GAHC010266642023



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

Case No. : AB/4020/2023

BENI MADHAV BORUAH AND ANR
S/O LATE BHUBAN CHANDRA BORUAH, R/O SUKAFI NAGAR, L.K. PATH,
JORHAT TOWN, P.O., P.S. AND DIST-JORHAT, ASSAM

2: IRSHAD ALI
S/O LATE IDRISH ALI
R/O DOULLAH SINGHA ROAD
WARD NO. 5
SIBSAGAR TOWN
P.O.
P.S. AND DIST-SIBSAGAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

04.03.2024

Heard Mr. N.A. Laskar, learned counsel for the applicants and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Garamur P.S. Case No. 66/2023**, under Sections 406/420/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Shri Beni Madhav Boruah** and **Irshad Ali** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Sanjiv Chiram Deuri, on 25.09.2023. The essence of allegations made in the FIR is that one Arun Pathak; Irshad Ali; and Beni Madhav Boruah, who were working in the District Agriculture Officer, Majuli, have misappropriated a sum of Rs. 4 Crore, allotted for Organic Hub, without executing any work.

4. Mr. Laskar, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 30.11.2023, and pursuant to the said order, the applicants had appeared before the IO and have been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 30.11.2023, absolute in the same terms and conditions.

5. On the other hand, Ms. Begum, learned Additional Public Prosecutor submits that she has not received the case diary, but she has the instruction that after completion of investigation the IO has returned the case in Final Report, being F.R. No. 08/2023, dated 15.12.2023.

6. Since the IO has returned the case in Final Report, this anticipatory bail application becomes infructuous and accordingly, the same stands closed.

JUDGE

Comparing Assistant