GAHC010096742020

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

Case No. : AB/1754/2020

OMAR SHARIF AND ANR
S/O- SAMSUL HOQUE, R/O- VILL- BILASIPARA TOWN, WARD NO. 7, P.S- BILASIPARA, DIST- DHUBRI, ASSAM

2: ARIF RAHMAN
S/O- TAIBAR RAHMAN
R/O- VILL AND P.O- GOALPARA TOWN
WARD NO. 4
P.S- GOALPARA
DIST- GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

10.12.2020:

Heard Mr. H. Talukdar, learned counsel for the petitioners. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application, filed under Section 438 of the Cr.PC. seeking pre-

arrest bail of the accused-petitioners, namely, ***Sri Omar Sharif and Sri Arif Rahman,*** in connection with ***Goalpara PS Case No. 296/2020*** registered under Sections 120(B)/420/384/406/409/468/476 of the IPC.

Case dairy produced has been perused.

It appears from the materials in the case dairy, particularly the status report submitted by the Additional Deputy Commissioner, Goalpara to the Investigating Police Officer of this case indicating therein that on receipt of complaint by District Administration, Goalpara against Shri Omar Sharif ACS, the then ADC, Goalpara & Shri Arif Rhaman, AEE, PWD(B), Goalpara Sub-Division and the Member Secretary, Construction Committee, ADC (MsDP), Goalpara was asked to submit a report on the matter. As per ADC (MsDP)'s report dated 22/06/2020, a Committee was ordered to be constituted on 25/06/2020 to enquire into the matter headed by CEO, ZP, Goalpara with Finance & Accounts Officer (i/c), DC's Officer, Goalpara, Executive Engineer, PWD(R), Dudhnoi & Goalpara East Territorial Division and one Executive Magistrate, Goalpara as Members. As per report received from the CEO, ZP, Goalpara as Chairperson of Inquiry Committee the aforesaid dispute has been amicably resolved and a Memorandum of Understating (MoU) in this connection has been signed between Shri Omar Sharif, ACS, the then ADC, Goalpara, Shri Arif Rahman, AEE, PWD(B), Goalpara Sub-Division and the Member Secretary, Construction Committed & Shri Abdul Wahab Miah, i/c West Goalpara College, Ambari and the then Member Secretary, Construction Committee.

In the said status report, it has also been indicated that work complained of had already been completed in all respect.

That apart, the Investigating Police Officer has indicated in his note, dated 30.07.2020, that sufficient materials against the petitioners could not be collected and there is lack of sufficient materials against them. Such being the status report and the note of the Investigating Police Officer, this Court is of the view that the accused-petitioners be granted the privilege of pre-arrest bail.

Accordingly, the interim pre-arrest bail granted to the petitioners vide

order, dated 23.07.2020 is made absolute on the same terms and conditions.

This petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant