GAHC010157072020

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

Case No. : AB/3139/2020

MONTAZ ALI AHMED
S/O- LT. ABDUL JALIL, R/O- VILL- HAHCHARA, P.O. BAGODI, P.S. BARPETA, DIST.- BARPETA, ASSAM, PIN- 781311

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

08.12.2020

By this pre-arrest bail application under Section 438 CrPC, petitioner, namely, Montaz Ali Ahmed, has sought for pre-arrest bail, in the event of his arrest in connection with Barpeta PS Case No. 1168/2020, corresponding to GR Case No. 2853/2020, under Sections 420/406/506/34 IPC, and subsequently added Section 409 IPC.

Heard the submissions of learned counsel for both the parties.

Also perused the record and the Case Diary.

According to the allegation made in the FIR, the President and Secretary of Bagodi Gaon

Panchayat misappropriated the amount under the relief scheme granted by the Government like Rs. 1,000/- and 5 kgs of rice, which was supposed to be distributed to the poor families, not having ration cards. Now, the petitioner contends that he being the President is not at all involved in preparation of the list of beneficiaries or disbursement of the amount as per the Rules and he simply forwards the list to the BDO for approval and subsequently, the Secretary distributes the amount. The petitioner also annexed herewith the Rules and Guidelines for providing relief under the Scheme, vide Annexure-III, which indicates that the Gaon Panchayat Secretary is responsible for distribution of such relief and/or any relief thereof.

After going through the Case Diary, it reveals that the role of the present petitioner is only to forward the list to the BDO and he is not associated with the preparation of list of beneficiaries and disbursement, so as to attract the offence as alleged.

Considering all entirety of the matter, this Court is of the opinion that custodial interrogation of the accused petitioner is not warranted. Accordingly, the interim bail order dated 09.11.2020, is hereby made absolute.

Anticipatory Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant