GAHC010160052020

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

Case No. : AB/3214/2020

ASRAFUL ISLAM AHMED @ ASRAFUL ISLAM
S/O. LT. ABDUL SATTAR AHMED, VILL. JHAGRARPAR PT.I, P.O. JHAGRARPAR, P.S. DHUBRI, DIST. DHUBRI, ASSAM, PIN-783325.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

02.12.2020

By this pre-arrest bail application under Section 438 CrPC, petitioner, namely, Asraful Islam Ahmed @ Asraful Islam, has sought for pre-arrest bail, in the event of his arrest in connection with Dhubri PS Case No. 1267/2020, under Sections 409/468/471/419/506 IPC.

Heard the learned counsel for both the sides.

Also perused the Case Diary produced.

As per the FIR, the present petitioner while working as a Government Gram Sevak is involved in

misappropriation of Government money in the name of implementation of Government Scheme under the Indira Miri Universal Widow Pension Scheme (IMUWPS) by collecting money from the beneficiaries.

The learned counsel for the petitioner has, however, submitted that the role of the petitioner is limited in this aspect and save and except updating the names of the persons in the MIS System and there is a committee constituted towards monitoring and evaluation of the programme, who ensure the preparation of the consolidated list of beneficiaries after collecting applications from online etc.

Today, the Case Diary has been produced. Perused the same.

The learned Additional Public Prosecutor submitted that no such beneficiary has been examined to speak about collection of money on the part of the petitioner from such beneficiaries or about misappropriation. The concerned Gaonburah of Gaon Panchayat as well as the BDO has been examined and it is their statement that although certain names of beneficiaries were found in addition to the list prepared, but same was corrected and finalized and there is no irregularity in the list of beneficiaries.

In view of all above, there is no supporting evidence as against the allegations made in the FIR, warranting custodial interrogation of the petitioner. Resultantly, the present petitioner, is allowed to go on pre-arrest bail on furnishing bail bond of Rs. 20,000/-, with one surety of the like amount to the satisfaction of the arresting authority with further direction to the petitioner to appear before the IO within 15 days from today and to cooperate with the investigation of the case, as and when required.

Anticipatory Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant