GAHC010176952020

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

Case No. : AB/3569/2020

RUHUL AMIN
S/O INTAZ ALI, R/O 4 NO. BAGMARA CHAR, P.O.-ALOPATICHAR, DIST-BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

21.12.2020

Heard Mr. F. Hoque, learned counsel for the petitioner and Mr. N.K. Kalita, learned Addl. PP., Assam appearing for the State/respondent.

By this application under Section 438 Cr.P.C., the petitioner, namely ***Ruhul Amin*** has prayed for pre-arrest bail apprehending arrest in connection with **Alopathichar P.S. Case No. 73/2020 (Corresponding to G.R. Case No. 4341/2020)** under Sections

420/406/409/306/34 of the IPC.

The case diary, as called for, is placed before the Court.

Mr. F. Hoque, learned counsel for the petitioner, submits that the petitioner is an owner of CSP Point of Central Bank of India, Barpeta Branch and he was no way connected to the illegal bank transactions alleged in the F.I.R.

Mr. N.K. Kalita, learned Addl. PP, submits that the petitioner is named in the FIR. Mr. Kalita further submits that the case diary reveals that the petitioner in connivance with other named persons had opened bank accounts of the students and misappropriated the scholarship amount of the students through online transfer.

The allegation relates to misappropriation of scholarship amount meant for the minority students of Dharmapur High School received from the Government and withholding of their ATM cards, Pass Book etc. by the petitioner and 7(seven) others.

On hearing the learned counsel of both sides and scrutiny of the case diary, it is revealed that there is abundance of *prima facie* incriminating evidence to show that the petitioner and others had misappropriated the scholarship money of the students, who are belonged to the minority and did not handover their bank accounts and ATM cards on demand. The case is apparently related to socio-economic offence and the investigation is yet to be completed. This Court is, therefore, of the view that if the privilege of pre-arrest bail is granted to the petitioner, the ongoing investigation is likely to be adversely affected.

For the above stated reasons, the pre-arrest bail application stands dismissed.

Return the case diary.

This disposes off the pre-arrest bail application.

JUDGE

Comparing Assistant