

GAHC010049212018



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

**Case No. : AB 710/2018**

1:MOINUL HOQUE CHOUDHURY  
RESIDENT OF VILL DUDHPUR PART -I, P.O. DUDHPUR, P.S. KATIGORAH,  
DIST - CACHAR, ASSAM

VERSUS

1:THE STATE OF ASSAM  
(REPRESENTED BY PUBLIC PROSECUTOR, ASSAM, GAUHATI HIGH  
COURT)

**Advocate for the Petitioner : MR H R A CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE HITESH KUMAR SARMA**

**ORDER**

**Date : 29-03-2018**

This is an application, filed under Section 438 Cr.PC, praying for pre-arrest bail of the petitioner, namely, Moinul Hoque Choudhury, in connection with Katigorah PS Case No. 50/2018 under Sections 420/468/406/408/409 IPC.

Heard Mr. H.R.A. Choudhury, learned senior counsel for the petitioner as well as Mr. B. Sarma, learned Additional Public Prosecutor for the state respondent.

Case diary produced has been perused.

The misappropriation of money involved in this case is around Rs. 5,000/- so far the present petitioner is concerned. The allegation is also that the amount misappropriated in respect of a job-card which have been possessed by a person who died long back, and therefore, the present petitioner being a member of the Panchayat ought not to have allowed it to happen.

But, for that, in the considered view of this court, custodial interrogation of the present petitioner is not necessary, and therefore, his prayer for pre-arrest bail is allowed.

The petitioner shall appear before the investigating police officer within 7 (seven) days from today, and, in the event of his arrest, he shall be released on furnishing a bail bond of Rs.

**50,000/-** with two suitable sureties of the like amount to the satisfaction of the arresting authority, on the following conditions:

- (1) The petitioner shall appear before the investigating police officer once in 2 (two) days for 2 (two) months,
- (2) The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (3) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case, and
- (4) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The petition stands disposed of accordingly.  
Return the case diary.

**JUDGE**

**Comparing Assistant**