

GAHC010142402021



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

Case No. : AB/2686/2021

ABDUL MALEQUE
S/O- ALIMUDDIN, VILL.- CHATPARA, P.S. JOGIGHOPA, DIST.-
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 30-09-2021

Pursuant to the order dated 10.09.2021, Mr. BB Gogoi, learned Addl. PP, Assam has produced the case diary of Jogighopa PS Case No.303/2021 under section 120(B)/419/420/406/409/468/471 IPC.

It is to be mentioned here that the case diary was called for to dispose of the petition filed under section 438 Cr.P.C., by the accused petitioner, namely, Abdul Maleque who apprehended arrest in connection with the aforementioned case.

Heard Mr. HRA Choudhury, learned senior counsel for the petitioner and Mr.

BB Gogoi, learned Addl. PP, Assam.

Mr. Choudhury, learned senior counsel for the petitioner submits that the petitioner is innocent and he has enclosed the list of students who have already received the scholarship through the Bank and that he will cooperate with the investigating agency and there is no chance of absconding and therefore, it is contended to allow the petition.

Whereas, Mr. BB Gogoi, learned Addl. PP, Assam has opposed the petition on the ground that investigation is in very nascent stage and only few witnesses have been examined and if the benefit of pre-arrest bail is granted to the petitioner at this stage, it will misdirect the investigation.

Having heard the submission of learned counsel for both the sides and I have gone through the case diary carefully. It is to be mentioned here that Jogighopa PS Case No.303/2021, is registered on the basis of one FIR lodged by one Anisuj Jaman Choudhury to the effect that the Headmaster of Chatpara Char ME School-Shri Abdul Malek, along with some local people misappropriated a sum of Rs.14 lakhs which were meant for the students of his school.

It also appears that the I/O has examined the complainant and three other witnesses. The investigation is in very nascent stage. Accordingly, it is provided that the I.O shall produce the updated case diary on 08.10.2021. Till then, considering the submission of learned counsel for the petitioner and also considering the materials collected so far in the case diary, this Court is inclined to grant interim pre-arrest bail to the accused petitioner.

Accordingly, it is provided that, in the event of arrest of the petitioner in connection with the aforementioned case, the petitioner above named shall be released on furnishing a bail bond of Rs.20,000/-, with a suitable surety of the like amount to the satisfaction of the arresting authority. The pre-arrest bail is however subject to the following conditions.

1. The petitioner shall make himself available before the Investigating Officer for interrogation as and when required.
2. 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.

3. The petitioner shall not leave the territorial jurisdiction of CJM, Bongaigaon without his prior permission.

The petitioner shall appear before the I/O within a week from today for recording his submission.

The case diary be send back.

JUDGE

Comparing Assistant