

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

Case No. : AB 2608/2020

1:IBRAHIM ALI S/O RASHID MIAH, VILL-SHILOSHI PATHAR, P.S.-BAGHBOR, DIST-BARPETA, PRESIDENT OF BAGHBAR GRAM, UNNAYAN SOCIETY, VILL-SHILOSHI PATHAR, P.S.-BAGHBOR, DIST-BARPETA, PIN-781308

VERSUS

1:THE STATE OF ASSAM REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : PP, ASSAM

BEFORE HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date: 21-10-2020

By this application u/s 438 Cr.P.C. the petitioner, namely, Ibrahim Ali has prayed for pre-arrest bail apprehending arrest in connection with Baghbar P.S. Case No. 238/2020 u/s 120-B/406/409/420 of the IPC.

Heard Mr. A. Roshid, learned counsel for the petitioner and Mr. B.B.Gogoi, learned Addl. Public Prosecutor for the State. Also perused the FIR and the documents annexed therewith as well as the case diary produced today.

The accusation made in the FIR was that under the Baghbar Gaon Panchayat 2022

toilets were sanctioned to be constructed under the Swach Bharat Scheme and some NGOs were entrusted to do the work. However, out of 2022 toilets, only 850 toilets were constructed and the concerned NGO along with the president of the Gaon Panchayat misappropriated the entire money showing that all the toilets were constructed.

learned counsel for the petitioner referring to certain documents annexed with the petition, submits, all the toilets were constructed. Case diary also shows that there is no incriminating material against the petitioner, who claims to be the president of the Baghbar Gaon Unnayan Samittee.

Having considered the nature of accusation and the materials in the case diary, this court is of the view that the petitioner deserves the benefit of pre-arrest bail. Accordingly, it is provided that in the event of arrest of the petitioner in connection with the aforementioned case, he shall be released on bail of Rs. 20,000/- with a solvent surety of like amount to the satisfaction of the arresting authority. This pre-arrest bail shall be subject to the following conditions:-

i) The petitioner shall appear before the investigating officer within 15 days and co-operate with the investigation. (ii) 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.

Send back the case diary.

AB stands disposed of.

JUDGE