

GAHC010213662025



2025:GAU-AS:13288

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

Case No. : AB/2306/2025

MAHENDRA SARMA @ MAHENDRA SARMAH
S/O. LT. JADAB CHANDRA SARMA, R/O. VILL.- ATIKHAPARA, P/O.
PATHARIGHAT, P/S. SIPAJHAR, DIST. DARRANG, ASSAM, PIN-784144

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS, A GHOSAL, J SINGPHO

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

25.09.2025

Heard Mr. M. Biswas, learned counsel for the petitioner and Mr. R. Kaushik,
learned Addl. Public Prosecutor for the State.

By this application, the petitioner has prayed for pre arrest bail for the second time in connection with Sipajhar P.S Case No. 104/2025 registered under Section 120(B)/406/420/468 of the IPC.

The FIR dated 11.07.2025 reveals that one Ganesh Sarma had fraudulently prepared documents and books of a Samiti and by forging the signature of Secretary collected huge amount of money from businessmen and other people from Dipila area. When an oral complaint was received with regard to the said offence, the committee examined the matter and found out that one Ganesh Sarma along with 9 other accused person, the petitioner being one had collected Rs. 2 Crores 50 lakhs from public at large and misappropriated the same. It was also alleged in the FIR that when said Ganesh Sarma was confronted, he returned 35 lakhs to the informant. The only allegation against the petitioner is that the complainant stated that he along with Ganesh Sarma and others had collected the said amount of money.

The petitioner had moved an application for pre arrest bail which was registered and numbered as AB No. 1950/2025 and the said application was rejected vide order dated 27.08.2025.

Mr. M. Biswas, learned counsel for the petitioner submits before this Court that pursuant to the said rejection order, the other similarly situated accused

persons were granted pre arrest bail and one of the accused person was granted interim pre arrest bail. He as such submits that the same being a new ground, the successive application is made for pre arrest bail of the petitioner.

He further submits that main accused person namely, Ganesh Sarma has clarified that no other office bearer or member of the Samiti are involved in such collection of money and that he had confessed in the public meeting that he is the only one who collected the money and kept the money with him and as such, he submits that the petitioner has no involvement in collection of the said money, much less any misappropriation of the same.

Mr. R. Kaushik, learned Addl. Public Prosecutor however submits on the basis of the Case Diary that all the accused person including the petitioner are involved in the misappropriation of the money as stated in the First Information Report and that he also submits that during the enquiry, it was revealed that the accused person is involved in the same.

I have heard the counsels and have gone through the records. In the FIR, it is reflected that the main accused person Ganesh Sarma had admitted that he was the only person involved in collection of money and that no other member of the Samiti is involved in the same. It is also reflected in the FIR that said Ganesh Sarma has refunded Rs. 35 lakhs and the same was received by the

informant from said Ganesh Sarma.

On consideration of the submissions made at the bar and on perusal of the FIR as well as the materials on record, this Court finds it fit that the petitioner may be released on pre arrest bail on furnishing a bail bond of Rs. 30,000/- with one (1) local surety of the like amount to the satisfaction of the Arresting Authority under the following conditions:-

1. The petitioner shall cooperate with the investigation and shall appear before the Investigating Officer as and when called for.
2. The petitioner shall not tamper with the evidence or influence any of the witnesses.
3. The petitioner shall not leave the jurisdiction of the Arresting Authority without prior permission of the said authority.

Petition is disposed of.

JUDGE

Comparing Assistant