

GAHC010057082023



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

Case No. : AB/963/2023

BHABENDRA GOSWAMI
S/O- LATE GOPAL CHANDRA GOSWAMI,
R/O- NAYANPUR, BYE LANE 2, GANESHGURI, GUWAHATI-05, DIST-
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. K K NANDI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

12-04-2023

Heard Mr. K.K. Nandi, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

The petitioner, namely, Bhabendra Goswami has filed an application under Section 438 Cr.P.C. with a prayer for pre-arrest bail as they are apprehending

arrest in connection with Bhangagarh P.S. Case No.385/2022 registered under Section 420/ 406/ 409/ 468/ 471 of the IPC.

The petitioner was serving as a Deputy Manager (Scale II) of State Bank of India, RACPC at Guwahati from 07.09.2016 to 25.04.2018. Subsequently, the petitioner retired from his service. Thereafter, an FIR dated 13.12.2022 was lodged by the Assistant General Manager, RACPC alleging that one late Tilak Chand Das, son of Late Khargeswar Das, and his wife Champa Devi had defaulted the Bank over total amount of more than Rs.24,00,000 (Rupees Twenty Four Lakhs) along with the interest payable. There is no allegation against the petitioner. However, the petitioner has been repeatedly asked to visit the police station. It is the submission of the learned counsel for the petitioner that though every time the petitioner appeared before the police station on being asked but his statement was not recorded and subsequently, he has again been asked to appear before the I/o. Apprehending his arrest, he has filed the bail application. Learned counsel for the petitioner submits that the petitioner is not involved with any fraud.

Mr. B.B. Gogoi, learned Addl. P.P. has furnished the case diary.

Upon perusal of the case diary, no incriminating materials are seen, so far as the petitioner is concerned.

Accordingly, upon hearing the counsel for the parties and upon perusal of the case diary as presented, it is seen that the allegations are against the borrower late Tilak Chand Das and now his legal heir Smt. Champa Devi.

Accordingly, this Court is of the view that the petitioner can be granted the benefit of anticipatory bail as prayed for.

Accordingly, it is provided that in the event of arrest of the petitioner,

named above, in connection with the above noted case, he shall be released on pre-arrest bail upon furnishing a bail bond of Rs.25,000/- (Rupees twenty five Thousand) with 2 (two) local sureties of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioner shall appear before the investigating Officer within 10 (ten) days from today;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- (iii) That 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 office; and
- (iv) That the petitioner shall not change his residence without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the bail granted to the petitioner.

Anticipatory Bail application is accordingly allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant