

GAHC010065702023



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

Case No. : AB/1130/2023

MANAS PRATIM DAS
S/O SRI ARUN KR. DAS
R/O VILL- BALIJAN,P.O. AND P.S. DIGBOI,
IN THE DISTRICT OF TINSUKIA, ASSAM-786171

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K R BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09-06-2023

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

2] This Anticipatory Bail petition has been filed by the petitioner, namely,

Manas Pratim Das, who is apprehending his arrest in connection with Digboi Police Station Case No.48/2023 registered under Sections 120(B)/ 386 of the IPC.

3] It is submitted by the learned counsel for the petitioner that a complaint petition has been filed by the informant alleging that the accused persons named in the FIR had withdrawn an amount of Rs.25 Lakhs by different cheques which the complainant was forced to issue and put his signature thereon without writing the name of the beneficiaries. The FIR dated 14.03.2023, Digboi Police Station Case No.48/2023 was registered under Sections 120(B)/ 386 of the IPC and investigation was carried on in the case. Accordingly, apprehending his arrest, present anticipatory bail application has been filed by the petitioner.

4] Learned counsel for the petitioner submits that the petitioner is a resident of Digboi and works as a Recovery Agent under the Assam Gramin Vikash Bank and SBI and is also the Secretary of Assam Village Defence Party, Tinsukia, under Digboi Police Station. It is submitted that the allegations made in the FIR dated 14.03.2023 are false and he has been falsely implicated in this case. It is submitted that a cheque amounting to Rs.10 Lakhs was handed over to him by his one Monoj Kr. Das, who is his cousin and without suspecting any foul play, the petitioner encashed the said cheque and paid the money to his cousin

brother Monoj Kumar Das.

5] This Court by order dated 11.04.2023 while calling for the case diary granted bail to the petitioner.

6] Case diary, as called for, has been received and the same has been perused.

7] Upon perusal of the case diary, it is seen that the statements of the petitioner have been recorded and investigation has been carried on. Substantially, but no charge-sheet has been filed. No specific materials are found in the case diary which would suggest that pursuant to the grant of bail, the petitioner did not cooperate with the investigation that is being carried on. The case diary does not reveal any material against the petitioner to suggest that continuation of interim bail will impede the process of investigation. Further, there are also no materials seen in the case diary at this stage of investigation to suggest that the grant of anticipatory bail to the petitioner will hamper the further investigation in the case or his prayer for grant of Anticipatory Bail ought not to be allowed at this stage. The case relates to monetary transaction between the complainant and the petitioner along with other co-accused persons and all connected documents are under the custody of the police. Accordingly, this Court is of the view that interim bail granted to the petitioner by the order dated 11.04.2023 can be made absolute.

8] Accordingly, the order dated 11.04.2023 is hereby made absolute on the same terms and conditions which are mentioned in the said order.

9] The anticipatory bail application is allowed and disposed of. Return the case diary.

JUDGE

Comparing Assistant