

GAHC010073072023



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

Case No. : AB/1246/2023

ANANTA LOCHAN DAS
S/O KAMAL KRISHNA DAS
R/O VILL- KALITAPARA, P.S. GOALPARA, DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25-08-2023

Heard Mr. H. Das, learned counsel for the applicant. Also heard Ms. S. H. Bora, learned Addl. P.P. and also Mr. J. K. Bhuyann, learned counsel for the informant.

This application u/s 438 Cr. P. C. is preferred by applicant Sri Ananta Lochan Das, for grant of pre-arrest bail, who has been apprehending arrest in

connection with Goalpara P. S. Case No. 283/2022 u/s 409 IPC (GR Case No. 1687/2022).

The above noted case has been registered on the basis of an FIR lodged by one Lalit Kumar Poddar on 20.12.2022.

The essence of allegation made in the FIR is that the applicant Ananta Lochan Das, who was working in his establishment of the informant as an employee, collected money from the distributor and along with some other staff, he has misappropriated a sum of Rs.25,00,000/-.

The learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant vide order dated 22.6.2023, and pursuant to the said order, he had appeared before the I.O. and extending cooperation and he has also returned a sum of Rs. 19,51,735/- to the informant and he is also ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

Whereas, Ms.S.H.Bora, learned Addl. P.P. has produced the case diary before this Court and submits that I.O. has collected sufficient materials in support of the allegation made in the FIR. However, Ms. Bora submits that bank statement reveals that there were some transaction between the informant and applicant of this case.

On the other hand, Mr Bhuyan, learned counsel for the informant has opposed the petition on the ground that some of the amounts are yet to be returned back by the applicant and therefore, it is contended to dismiss the petition.

Having heard the submission of learned Advocate of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary, with assistance of Ms. Bora, learned Addl. P.P.

It appears that the applicant has been cooperating with the investigating agency and he had also returned a sum of Rs.19,51,735/- which is apparent from the documents placed before this court by the applicant today. Further, it appears that substantial progress has been achieved by the I.O. in the investigation.

In view of above, custodial interrogation of the applicant seems to be not warranted herein this case and accordingly, this court is inclined to make the interim order dated 22.6.2023 absolute in the same terms and condition.

Case diary be returned.

JUDGE

Comparing Assistant