

GAHC010078232023



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

Case No. : AB/1344/2023

TRIDIP BORAH
S/O LATE KAMAL CH BORAH
R/O HOUSE NO. 73 B, KHARKHUWA, P.O. CHAKIAL, P.S. TITABOR,
DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

26/05/2023

Heard Mr. M Biswas, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

The petitioner, namely, **Tridip Borah**, has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending his arrest in **Jamuguri P.S. Case No. 01/2023** registered under Sections 120(B)/420/468/403/34 IPC.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

The petitioner is on interim bail in said Jamuguri P.S. Case No. 01/2023 granted earlier by this Court on 12.04.2023 and appeared before the concerned Investigating Officer on 18.04.2023.

As per the FIR of the case lodged by the Regional Manager of Assam Gramin Vikash Bank on 03.01.2023 before the Officer-in-Charge of Jamuguri Police Station, the Manager, Assistant Manager and the Office Assistant (M) of Jamuguri Branch, namely, Parag Das, Ashim Hazarika and the petitioner, respectively committed forgery, criminal breach of trust and cheating during the period of their service in the said Branch which came to the light during the course of internal examination/investigation of the accounts of the Branches and so far during the investigation, an amount of Rs. 2,02,000/- was found to be defalcated by those three persons.

The said FIR also discloses that the petitioner is under suspension and that during his tenure of service in said Jamuguri Branch of Assam Gramin Vikash Bank, he misappropriated money of different bank account holders on different dates as a teller paid cash, thereby withdrawn amounts from different inoperative account of the customers and deceased persons having bank accounts in the concerned Branch without the presence of the customers.

Accordingly, said FIR was registered as Jamuguri P.S. Case No. 01/2023 under Sections 120(B)/420/468/403/34 IPC.

Mr. M P Goswami, learned Additional Public Prosecutor, Assam, from the case diary placed before the Court that the investigation reveals that the petitioner was a teller of said branch of the informant bank at the relevant point of time and with the help of the other accused persons of the case, he made several transactions of account holders of the said Branch of the Bank who are already dead.

Case diary also reveals that in the same manner, being a teller, he had defalcated huge amount of money along with the other accused persons of the case fraudulently and in criminal conspiracy withdrawing money from the bank accounts of the deceased persons having their accounts in said Jamuguri Branch of the Assam Gramin Vikash Bank.

Mr. Goswami, learned Additional Public Prosecutor also placed before the Court that the investigation is still going on and the other accused persons of the case are yet to be apprehended.

Finding sufficient incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, Tridip Borah in said Jamuguri P.S. Case No. 01/2023.

Accordingly, this pre-arrest bail application of the petitioner, **Tridip Borah** in said Jamuguri P.S. Case No. 01/2023 stands rejected.

The interim pre-arrest bail granted to the petitioner, Tridip Borah earlier on 12.04.2023 in said Jamuguri P.S. Case No. 01/2023 is hereby recalled/stands vacated.

Return the case diary herewith.

JUDGE

Comparing Assistant